

266 Nov. 64

Letter of January 24, 48

26 NOVEMBER 1947

I N D E X  
Of  
WITNESSES

Defense' Witnesses

Page

OSHIMA, Hiroshi (resumed)

33996

Direct (cont'd) by Mr. Cunningham

33996

MORNING RECESS

34039

Direct (cont'd) by Mr. Cunningham

34041

Direct (cont'd) by Mr. Furness

34066

NOON RECESS

34067

Cross by Mr. Tavenner

34068

AFTERNOON RECESS

34089

Cross (cont'd) by Mr. Tavenner

34090

26 NOVEMBER 1947

I N D E X  
Of  
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2769	3510		An excerpt from Foreign Ministry's Year-Book, Vol. I - Public Service Regulation - Imperial Ordinance No. 39 issued 30 July 1892		34003
2787	3511		Certificate re NOHARA, Komakichi who was in the service of the Japanese Embassy but was not a formal Member of the Foreign Office		34027
2820	3512		Excerpt from the Interro- gation of OSHIMA, Hiroshi		34040
2845	3513		Statement of OSHIMA, Hiroshi dated 19 February 1946		34046

Wednesday, 26 November 1947

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INTERNATIONAL MILITARY TRIBUNAL  
FOR THE FAR EAST  
Court House of the Tribunal  
War Ministry Building  
Tokyo, Japan

The Tribunal met, pursuant to adjournment,  
at 0930.

- - -

Appearances:

For the Tribunal, all Members sitting, with  
the exception of: HONORABLE JUSTICE SIR WILLIAM F.  
WEBB, Member from the Commonwealth of Australia and  
HONORABLE JUSTICE R. B. PAL, Member from India, not  
sitting from 0930 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese  
to English interpretation was made by the  
Language Section, IMTFE.)



OSHIMA

DIRECT

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MARSHAL OF THE COURT: The International  
1 Military Tribunal for the Far East is now in session.

2 ACTING PRESIDENT: All the accused are  
3 present except MATSUI, who is represented by counsel.  
4 We have a certificate from the prison surgeon at  
5 Sugamo certifying that he is ill and unable to attend  
6 the trial today. The certificate will be recorded  
7 and filed.

8 Tomorrow being a legal holiday, Thanksgiving  
9 Day, this Court will not sit on Thursday, November 27.

10 Captain Kraft.

11 LANGUAGE ARBITER (Captain Kraft): If the  
12 Tribunal please, the following language correction  
13 is submitted with reference to exhibit No. 3503-A,  
14 page 21, lines 5 and 6, and record page 33,941, line  
15 16: delete "nor the" and insert "and still less an."

16 ACTING PRESIDENT: Mr. Cunningham.

17 - - -

18  
19 H I R O S H I O S H I M A, an accused, resumed the  
20 stand and testified through Japanese interpreters  
21 as follows:

22 DIRECT EXAMINATION

23 MR. CUNNINGHAM: I continue reading now the  
24 exhibit, or defense document 2862, page 15, number 7:

25 "7) As to the Japanese army officer

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20 stand and testified through Japanese interpreters  
21 as follows:

22 DIRECT EXAMINATION

23 MR. CUNNINGHAM: I continue reading now the  
24 exhibit, or defense document 2862, page 15, number 7:

25 "7) As to the Japanese army officer

1 stationed in Afghanistan, I had no connection with  
2 his affair, directly or indirectly. Besides, in this  
3 memorandum it is stated that he was expelled from  
4 Afghanistan because he was suspected of wanting to  
5 overthrow the Afghan Government in connection with the  
6 Mohammedan movement. But according to what I heard  
7 from a friend of that officer in Berlin at that time,  
8 he was requested by the Afghan army to return to Japan  
9 as a result of his anti-Russian remarks and attitude  
10 which caused concern in that army.

11 "8) As mentioned above, the greater part of  
12 this memorandum contains matters which I did not know  
13 about, and it was impossible for me to talk about them  
14 to anybody; nevertheless, in this memorandum it is  
15 written that I told them. In view thereof, I must  
16 deny the authenticity of this document. I even think  
17 that Himmler or his subordinates concocted this docu-  
18 ment utilizing my name in order to use it for some  
19 internal purpose.

20 "9. STRENGTHENING OF THE ANTI-COMINTERN PACT.

21 "In 1938 and 1939 lengthy negotiations took  
22 place between Japan, Germany and Italy for the strength-  
23 ening of the Anti-Comintern Pact, in which I partici-  
24 pated as Ambassador to Germany. These negotiations  
25 ended in a complete failure; no results were obtained.

1 Since however the prosecution tendered many documents  
2 concerning this subject, I should like to deal with  
3 these abortive negotiations rather in detail in the  
4 following pages.

5 "1) In July 1938 while I was Military Attache  
6 Ribbentrop showed me what purported to be a brief  
7 draft of a treaty of mutual consultation and assistance  
8 between Japan, Germany and Italy, and asked me to  
9 find out how such an idea might strike the Japanese  
10 army. I dispatched at the end of July 1938, with the  
11 permission of the German staff, Major General KASAHARA  
12 to Japan for a first-hand report in this matter.

13 "After KASAHARA had reported the matter in  
14 Tokyo to the General Staff and the War Ministry, things  
15 developed with an unexpected rapidity. The army brought  
16 it to the attention of Foreign Minister UGAKI, and  
17 UGAKI presented it to the Five Ministers Conference  
18 for discussion at the end of August.

19 "At the Five Ministers Conference it was  
20 agreed that, subject to verbal alterations, approval  
21 in a general way could be given to the German proposal,  
22 provided that Soviet Russia were to be considered as  
23 the primary, and other countries as the secondary  
24 objectives, it being understood that the basic idea  
25 was the amplification of the Anti-Comintern Pact.



1 Further, it was agreed that this matter should be  
2 transferred to the formal diplomatic channel, as  
3 soon as possible, but that there would be no harm in  
4 communicating to the Germans in the meantime through  
5 the army channel the above-mentioned decision. The  
6 above was what I learned from the telegrams sent to  
7 me from the central army authorities, and also from  
8 the report of Major General KASAHARA who returned to  
9 Berlin at the end of September. I was rather surprised  
10 at the unexpected turn the matter had taken, because  
11 I had been trying to find out the view of the army;  
12 however, I conveyed the above promptly to Ribbentrop.

13 "2) I was appointed Ambassador in October  
14 1938. I did not know what had happened in Tokyo prior  
15 to my appointment. I received in September unexpectedly  
16 a telegram from the General Staff asking whether I had  
17 any objection to being appointed Ambassador, an idea  
18 which it was said was being suggested in Tokyo, and I  
19 firmly declined. The reason why I declined was that,  
20 besides the fact that I had no experience as a diplomat,  
21 I would have to resign, according to the Japanese  
22 system, from the active military service simultaneously  
23 with my appointment to the post of Ambassador, which is  
24 a civilian post. I did not want to leave the army which  
25 was the profession of my choice since my boyhood. Upon



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22 system, from the active military service simultaneously  
23 with my appointment to the post of Ambassador, which is  
24 a civilian post. I did not want to leave the army which  
25 was the profession of my choice since my boyhood. Upon

1 repeated urgings from the General Staff, however, I  
2 finally gave in, because as a soldier and officer I  
3 could not possibly refuse to the last to comply  
4 with the wish of the army. The Foreign Minister at  
5 the time of my appointment was Prime Minister Prince  
6 KONOYE, who held the post concurrently. Shortly  
7 thereafter Mr. ARITA was appointed Foreign Minister.

8 "Upon my appointment as the Ambassador to  
9 Germany I was at once placed on the reserve list of  
10 the army, and practically all of my connections with  
11 the army were thereby cut off. In view of the circum-  
12 stances at that time, I considered it my primary task  
13 to bring the proposed treaty between Japan, Germany  
14 and Italy to fruition.

15 "3) At the beginning of November after I  
16 had become Ambassador, Ribbentrop formally presented  
17 a German draft of the treaty, and asked me to transmit  
18 it to the Japanese Government. I sent it by telegram  
19 to the Foreign Minister ARITA.

20 "Foreign Minister ARITA replied by a telegram  
21 stating that this was a capital idea which would serve  
22 to kill three birds with one stone, inasmuch as it  
23 would facilitate the settlement of the China Incident,  
24 and would be effective in strengthening our defense  
25 vis-a-vis Soviet Russia and also in improving our

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22 to kill three birds with one stone, inasmuch as it  
23 would facilitate the settlement of the China Incident,  
24 and would be effective in strengthening our defense  
25 vis-a-vis Soviet Russia and also in improving our

1 general diplomatic position. In this telegram it  
2 was stated further that the Japanese Government was  
3 contemplating a concrete counterproposal which would  
4 be cabled as soon as decided upon. Reading this tele-  
5 gram and considering the above-mentioned decision of  
6 the Five Ministers Conference at the end of August, I  
7 gained a definite impression that the Japanese Govern-  
8 ment was in agreement in principle to the German  
9 proposal.

10 "Shortly thereafter, however, a telegram was  
11 received from Tokyo which stated that there seemed to  
12 exist a misunderstanding as to the objective of the  
13 proposed treaty. As I could not understand what it  
14 meant, I cabled back for explanation, but received no  
15 clear answer. On the other hand, the announced  
16 counterproposal of the Japanese Government did not  
17 arrive despite my repeated request, and I could not  
18 proceed with the negotiations with the German side until  
19 the arrival of the ITO mission in Berlin at the end of  
20 February 1939.

21 "4) ITO MISSION.

22 "a) After the HIRANUMA Cabinet had replaced  
23 the First KONOYE Cabinet at the beginning of 1939,  
24 Foreign Minister ARITA sent a telegram announcing the  
25 dispatch of a mission headed by Mr. ITO, former Japanese



1 Minister to Poland, as a special envoy, in order to  
2 convey and explain the instruction decided upon by the  
3 Japanese Government. The mission arrived in Berlin  
4 at the end of February. As the instruction brought by  
5 them was addressed to both ambassadors to Germany and  
6 to Italy, Ambassador SHIRATORI came to Berlin and we  
7 met the ITO mission together.

8 "b) The Japanese counterproposal conveyed by  
9 this mission corresponded in its main part, as far as  
10 I remember, to the draft Treaty of Mutual Consultation  
11 and Assistance between Japan, Germany and Italy, the  
12 Signing Protocol and the Secret Accessory Protocol,  
13 which are now in evidence as a part of the exhibit  
14 2619, transcript pages 22,539-22,550. In so far as  
15 the treaty which was to be published was concerned,  
16 no limitation or condition was placed on the duty of  
17 mutual assistance. However, two secret understandings  
18 were to be annexed to the treaty, and it was to these  
19 understandings or reservations that we were specially  
20 instructed to try and obtain the concurrence of the  
21 German and Italian Government. These secret understand-  
22 ings were:

23 "(1) That Japan would not render any military  
24 assistance in case Germany and Italy were attacked by  
25 countries other than Soviet Russia, unless these



countries had turned communistic, and

1           "(2) The explanations would be given to  
2 third parties to the effect that this treaty was an  
3 extension of the Anti-Comintern Pact.

4           "According to this instruction, the secret  
5 understanding No. 1 was in fact going to limit the  
6 duty of military assistance to Japan to cases where  
7 Soviet Russia was involved. This I thought would  
8 contradict what I had already committed to the German  
9 side in accordance with telegrams received from Tokyo  
10 when I was Military Attache; to present this proposal  
11 to Germany as it would not only cause Germany to  
12 doubt Japan's sincerity, but I was also sure that she  
13 would not accept it. Therefore, I cabled my view to  
14 Tokyo that , if the Japanese Government in fact wished  
15 the successful conclusion of the treaty, it would be  
16 necessary to reconsider the secret understanding No. 1.

17           "According to the Japanese law, an official  
18 can present his view to his superior concerning the  
19 business under his charge (Defense Document 2769),"  
20 which I now offer in evidence.

21           ACTING PRESIDENT: It will be admitted in  
22 evidence.

23           CLERK OF THE COURT: Defense document 2769  
24 will receive exhibit No. 3510.  
25

1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 No. 3510 and received in evidence.)

4 MR. CUNNINGHAM: As in the case of the other  
5 document, I will read it after the completion of the  
6 reading of the affidavit.

7 (Reading continuing): "When I presented my  
8 observations in connection with instructions of the  
9 home government during these negotiations I was only  
10 following this principle.

11 "c) Moreover, in the detailed explanation  
12 attached to this instruction there was a remark that  
13 the Japanese Government was compelled to make conces-  
14 sions to the extent of the draft treaty above given  
15 because Germany and Italy had been misled concerning  
16 Japan's position in the course of negotiations up to  
17 date. I thought that this was a very grave matter, for  
18 if I had misled Germany I had certainly to take my  
19 responsibility for it. Therefore, I cabled to Foreign  
20 Minister ARITA asking to clarify this point. ARITA  
21 replied at the end of March that no one in particular  
22 was responsible. I did not tender my resignation at  
23 this time, nor did I indicate my wish to resign or  
24 t nder my resignation during the whole course of  
25 negotiations for this treaty.

1 "d) The prosecution exhibit 501, diary of  
2 Count Ciano, transcript pages 6,095-6,097, and 502,  
3 telegram of Ribbentrop, transcript pages 6,097-6,102,  
4 state that I refused to carry out the instruction  
5 brought by the ITO mission and threatened the Tokyo  
6 government by resignation; however, this was clearly  
7 not the case.

8 "e) As to the prosecution exhibit 502, it is  
9 also quite untrue that the original draft of the pro-  
10 posed treaty had been drafted by direct negotiations  
11 between Ribbentrop, Ciano and myself. I never talked  
12 with Ciano concerning this question. The draft was  
13 drawn up by the German side without my participation.

14 "5a) In answer to my observation as to the  
15 instruction brought by ITO a new instruction revising  
16 the original text of the secret understandings were  
17 received at the end of March, which I immediately con-  
18 veyed to Ribbentrop.

19 "The purport of this new instruction was  
20 according to my memory as follows:

21 "The secret understanding No. 1 was revised  
22 and it was made to read that although Japan accepted  
23 the duty of military assistance also in case Germany  
24 and Italy were attacked by countries other than Soviet  
25 Russia, she would not be able to carry it out effectively



1 for the time being. As to the secret understanding  
2 No. 2, Japan wanted to reserve that, in case inquiries  
3 were made by third parties, Japan would explain that,  
4 as far as Japan was concerned, she had nothing in view  
5 but the destructive activities of the Communist Inter-  
6 national in concluding this treaty.

7 "b) Ribbentrop stated that it was his inter-  
8 pretation that by this proposal Japan accepted in  
9 principle the duty of war participation in case also  
10 of Germany and Italy being attacked by countries other  
11 than Soviet Russia, and asked me whether this inter-  
12 pretation was correct. I replied that, since Japan  
13 according to the instruction accepted the duty of  
14 military assistance, I thought Japan accepted in  
15 principle the duty of war participation, although the  
16 scope and mode thereof would be different from time to  
17 time. Ribbentrop said also that he could not consent  
18 to Japan's making a different and independent explan-  
19 ation to third countries concerning the purpose of the  
20 treaty. I tried hard to explain the situation Japan  
21 was placed in. Thereupon, Ribbentrop said that he  
22 would consult Hitler. As a result of that consultation,  
23 he replied that, although he would accept the Japanese  
24 proposal in so far as the Treaty itself, the Signing  
25 Protocol and the Secret Accessory Protocol was concerned,

1 he desired Japan would withdraw the proposal for  
2 secret understandings. He suggested that, as  
3 Germany had no intention of requesting Japan to go  
4 beyond her capacity for she herself could not do  
5 anything beyond her own capacity for Japan, the details  
6 of the obligations of the contracting powers should  
7 be referred to the conferences among the parties  
8 which were envisaged in the Secret Accessory Protocol  
9 to the treaty. In short he asked reconsideration  
10 on the part of the Japanese Government, and I  
11 cabled to Tokyo in that sense. The contention in  
12 the prosecution exhibit 502 that I refused again at  
13 this time to carry out the instructions is not a  
14 true statement of the fact.  
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1 "6) The instructions from Tokyo Government  
2 thereafter never denied the duty of war-participa-  
3 tion. Only, they gave a very broad interpretation  
4 to this term by including in it such measures as  
5 could not be interpreted normally as war-participa-  
6 tion, for instance the supply of materials, the  
7 lease of military bases, etc., and instructed me to  
8 secure the consent of Germany to that interpretation.  
9 The instructions of the government concerning these  
10 negotiations were very ambiguous and difficult to  
11 understand, and I was sometimes hard put to it how  
12 to make them clear to the German side. This ambiguity  
13 was, as I found out later, due to the fact that the  
14 instructions were drafted in Tokyo as a result of a  
15 compromise in words only among the Ministers concerned  
16 while the difference of opinions on this question  
17 remained unreconciled.

18 "b) In spite of these difficulties I tried  
19 to explain the Japanese point of view to Ribbentrop.  
20 Ribbentrop finally recognized the necessity for  
21 Japan to make the two reservations, and proposed that  
22 proper formulation for them should be studied from  
23 legal-technical point of view. Upon his request I  
24 sent, at the beginning of May, Counsellor USAMI to  
25 Mr. Gaus, Chief of the Treaty Bureau of the German

1 Foreign Office, for consultation concerning the  
2 reservations, and a tentative draft drawn up by Gaus  
3 was cabled to Tokyo. Although I forgot the details,  
4 I think that Paper No. 3 and 4 of the exhibit 2619,  
5 transcript pages 22,539-22,550, correspond to this  
6 so-called 'Gaus Plan.'

7 "c' At about the time when I cabled the  
8 Gaus Plan to Tokyo, Premier HIRANUMA sent a personal  
9 message to Hitler and Mussolini through the German  
10 and the Italian Ambassadors in Tokyo. In this  
11 message HIRANUMA stated that Japan was resolved to  
12 stand on the side of Germany and Italy and render  
13 military assistance within her capacity even in case  
14 the two powers were attacked by countries other than  
15 Soviet Russia, but under the prevailing circumstances  
16 she was compelled to make certain reservations. He  
17 requested Germany to make concessions as to the secret  
18 understandings trusting upon the sincerity of Japan,  
19 as she was most earnestly desirous to conclude this  
20 agreement. The purport of this message was thus  
21 strongly in support of the line of negotiations which  
22 I was pursuing at that time. This message was wired  
23 to me by Foreign Minister ARITA, simultaneously with  
24 its delivery to Ambassador Ott in Tokyo, and I had it  
25 delivered at once to the German Foreign Office for



1 assurance sake.

2 "When the message arrived, Ribbentrop was  
3 staying with Hitler in South Germany. He telephoned  
4 to me saying that Hitler upon reading the message  
5 said that although he was not asking much from Japan  
6 he could not agree because some ambiguities still  
7 remained.

8 "d) The prosecution exhibit 2230, telegram  
9 from Ribbentrop to Ott, transcript pages 15,990-15,992,  
10 states that at the end of May I again refused to carry  
11 out instructions. I told Ribbentrop at that time that  
12 I cabled to Tokyo my observations to an instruction  
13 concerning the Gaus plan. Ribbentrop must have misunder-  
14 stood this, intentionally or unintentionally, and wired  
15 to Ott in that sense.

16 "e) It is also untrue that I received, as  
17 stated in this exhibit 2230, a telegram from "ar Minis-  
18 ter ITAGAKI in which ITAGAKI is said to have request-  
19 ed me 'to hold off until later against ARITA in order  
20 not to disturb the discussions among the various fac-  
21 tors in Tokyo,' saying further that 'the army is  
22 firmly resolved to fight the matter out quickly and  
23 even at the risk of a cabinet overthrow.' Concerning  
24 this matter I recollect the following fact:  
25

"Major General KAWABE, the Military Attache

1 in Berlin, wired to the central army authorities  
2 criticizing the equivocal attitude of the government  
3 concerning the negotiations for the proposed treaty.  
4 War Minister ITAGAKI replied to him by a telegram  
5 stating: 'As the atmosphere of the Five Ministers  
6 Conference is inclining to favour the conclusion of  
7 the treaty, better keep quiet now. I have no inten-  
8 tion whatsoever to overthrow the present cabinet.'  
9 I heard the story from KAWABE, and I think, although  
10 I have no clear recollection, that I told it to  
11 Ribbentrop. At any rate, I never received telegrams  
12 from War Minister ITAGAKI, directly or indirectly,  
13 concerning these negotiations. That was not permitted  
14 in the Japanese system. I was also not at all con-  
15 cerned with the exchange of telegrams between KAWABE  
16 and ITAGAKI as mentioned above.

17 "7) At the beginning of June a new instruc-  
18 tion was received from Tokyo requesting of the German  
19 Government a revision of the Gaus Plan. I conveyed  
20 it to Ribbentrop and explained it in detail. Ribben-  
21 trop showed understanding as to the Japanese point of  
22 view that Japan could render no effective military  
23 assistance for some time to come and might, according  
24 to circumstances, remain neutral when Germany was  
25 attacked by countries other than Soviet Russia. How-



1 ever, he strongly rejected as before the idea of  
2 exchanging notes concerning the secret understandings,  
3 on the ground that, if such notes leaked out, the  
4 treaty would be deprived of its political effect.  
5 He told me that Germany was very anxious about the  
6 leakage of secrets in Tokyo. In the middle of June  
7 I reported the above to the Japanese Government, but  
8 received no instruction thereafter. The negotiations  
9 were terminated due to the conclusion of the German-  
10 Russian Non-Aggression Treaty on 23 August 1939.

11 "8) Although these extended negotiations  
12 failed to result in any agreement, I think it might  
13 not be amiss here to state my attitude and my under-  
14 standing of the purpose of the treaty.

15 "a) During the whole negotiations my constant  
16 idea was that:

17 "(1) this proposed treaty was of a purely  
18 defensive nature, and

19 "(2) its purpose or object was not war but  
20 it was meant to be used as a means in diplomatic nego-  
21 tiations.

22 "According to my understanding based upon  
23 telegrams from Tokyo, the reasons why the Japanese  
24 Government wished the conclusion of this treaty were:

25 "(1) to strengthen the diplomatic position of

1 Japan by securing allies in order thereby to facili-  
2 tate the settlement of the China Incident, and

3 "(2) to improve our defensive position vis-a-  
4 vis Soviet Russia. In other words, it was necessary  
5 for Japan to find allies and secure herself against  
6 the possible attack from powerful Soviet Russia as  
7 Japan's resources were being exhausted in the China  
8 Incident.

9  
10 "This intention is also clearly expressed  
11 in the treaty draft which was drawn up as a result  
12 of my negotiations with the German Government, exhibit  
13 2619, transcript pages 22,539-22,550. In its Pre-  
14 amble it is stated that the Government of Japan,  
15 Germany and Italy, 'in the conviction that the inter-  
16 national activities of the Communist International  
17 threaten the peace in Europe and Asia, determined in  
18 the spirit of the Agreement against the Communist  
19 International to strengthen the defense against the  
20 communistic disintegration in Europe and Asia, and to  
21 preserve the common interests of the three contract-  
22 ing powers, have agreed upon the following provisions.'

23 "b) As was proper for an Ambassador on the  
24 spot, I did my best during the entire period of the  
25 negotiations to bridge over the opposing views of  
the both governments of Japan and Germany.

1 For that purpose I conveyed the German views accurate-  
2 ly to the Japanese Government, while of course inter-  
3 preting the Japanese point of view truly to the Ger-  
4 mans and endeavouring to carry it through. Sometimes  
5 I represented to the Japanese Government after sound-  
6 ing the German views that, if it in fact desired the  
7 successful conclusion of the negotiations, it was  
8 preferable to make some concessions to the Germans.  
9 Then the instructions from Japan were equivocal, I  
10 requested Tokyo for clarification and postponed the  
11 execution of the instructions until I received answer  
12 from Tokyo to my inquiry. However, I have no recollec-  
13 tion of having contradicted or having refused to carry  
14 out instructions, or going beyond the scope of instruc-  
15 tions. In fact I received no censures from the Foreign  
16 Minister in this respect during the whole negotiations  
17 and later.

18 "10. GERMAN-RUSSIAN NON-AGGRESSION TREATY

19 AND MY RESIGNATION

20  
21 "1) On or about 20 August 1939 Ribbentrop, who  
22 was staying at Fuschl in South Germany, called me on  
23 the telephone and informed me of the German decision  
24 of concluding the Non-Aggression Treaty with Soviet  
25 Russia, explaining that this had been made inevitable  
by exigencies of the European situation. I at once

1 told him that this was in contravention of the Anti-  
2 Comintern Pact and an act of extreme bad faith on  
3 the part of Germany.

4 "Shortly thereafter, when Ribbentrop stopped  
5 in Berlin on his journey to Moscow for the signing  
6 of this treaty, he asked me to call him and explained  
7 the matter. I repeated my oral protest on this  
8 occasion to him.

9 "2) Thereafter I received an instruction  
10 from Foreign Minister ARITA to lodge a formal protest  
11 with the German Government regarding this matter.  
12 I drafted a note of protest at once and saw State  
13 Secretary Weizsaecker in order to hand it to him,  
14 as I could not see Foreign Minister Ribbentrop at that  
15 time. However, Weizsaecker begged me earnestly to  
16 postpone the presentation of the note for a while  
17 because Germany then was in a very difficult position  
18 in connection with the negotiations with Poland, and  
19 I, considering that I had already protested twice  
20 directly to Ribbentrop, consented to his request,  
21 and postponed the presentation of the note until the  
22 middle of September, when the war situation in Poland  
23 was somewhat clarified.

24 "3) Having received the notification from  
25 Ribbentrop on or about 20 August that the conclusion



1 of the German-Russian Non-Aggression Treaty was im-  
2 minent, I immediately cabled to Tokyo offering my  
3 resignation. About one month thereafter I received  
4 order to return to Tokyo. I left Berlin in October  
5 and arrived in Japan via the United States in Decem-  
6 ber 1939. My request for resignation was granted and  
7 I was relieved of my post on 27 December 1939.

8 "4) The reason why I offered my resignation  
9 was because I felt that I had not fulfilled my duty  
10 as ambassador, not having been able to anticipate the  
11 conclusion of the Non-Aggression Treaty by Germany  
12 with Soviet Russia. The other reason was that I was  
13 much annoyed at the volte face of Germany. I resigned  
14 solely on my own initiative without being requested  
15 by the Government. I had no thought of going to  
16 Germany ever again.

17 "5) I learned for the first time in this  
18 Tribunal that Ribbentrop worked on the Japanese  
19 Government to keep me on my post. I do not know even  
20 now whether it is true or not.

21 "11. MY ATTITUDE BEFORE LEAVING GERMANY

22 "I was functioning as Ambassador after offer-  
23 ing my resignation until my departure from Berlin in  
24 October 1939. During the period I had no important  
25 conversation with the German side except over routine

1 matters as was proper for an Ambassador leaving his  
2 post.

3 "1) In the prosecution exhibit 507, trans-  
4 cript pages 6,126-6,130, it is said that before my  
5 departure I expressed my full approval to Ribben-  
6 trop's theory concerning future Japanese-German collab-  
7 oration and German good offices for the improvement  
8 of the Japanese-Russian relations. As I thought it  
9 desirable at that time to bring about friendly rela-  
10 tions between Japan and Soviet Russia in view of the  
11 repeated clashes along the Manchurian-Russian border,  
12 I expressed this idea as my private opinion to Ribben-  
13 trop.

14 "2) As to the prosecution exhibit 508, trans-  
15 cript pages 6,131-6,132, a telegram from Toermann to  
16 Ambassador Ott, my explanation is as follows:

17 "Before my departure from Germany, I think  
18 that Ribbentrop asked me to send to him any advice  
19 for Germany which I thought fit, but never heard from  
20 anybody about the secret communications, etc., as  
21 described in this telegram. I never committed anything  
22 to anybody concerning my conduct after my return to  
23 Japan. I never communicated with Ribbentrop through  
24 the German Embassy in Tokyo after my return home or  
25 through any other means.

## 1 "12. MY ATTITUDE AFTER RETURNING HOME

2 "1) Since my resignation in December 1939 after  
3 returning home until my reappointment as Ambassador to  
4 Germany in December 1940, I never occupied any official  
5 position and had no connection with any political,  
6 ideological or cultural groups. I was never consulted  
7 by anybody of the Government, nor did I ever see any  
8 official documents. As I was away from Japan for more  
9 than five years since the spring of 1934, what I wanted  
10 was to retire completely on this occasion and to devote  
11 myself to the study of the internal situation of Japan.

12 "I received during this period several invita-  
13 tions to join political parties or to make public  
14 speeches, but I consistently refused. As interests in  
15 Japan for the situation in Germany were very keen at  
16 that time, on account of the European war, I made a few  
17 speeches at private and exclusive parties. I never made  
18 remarks to stir up anti-British or anti-American feel-  
19 ings of the people on those occasions.

20 "2) I had nothing whatsoever to do with the  
21 conception, the negotiation, and the conclusion of the  
22 Tripartite Pact in September 1940. I did not even know  
23 what kind of negotiations were taking place. I was  
24 never consulted by Foreign Minister MATSUOKA, Ambassador  
25 Ott, or Mr. Stahmer.

1 "3) The prosecution exhibit 1299A, transcript  
2 pages 11,734 - 11,740, an article published under my  
3 name in the Yomiuri Shimbun of 27 October 1940, was  
4 an interview I gave to one of the correspondents of that  
5 newspaper who visited me, wrote down what I told him,  
6 and published it under my name. I gave this interview  
7 largely in accordance with various statements issued by  
8 the Government.

9 "13. MY REAPPOINTMENT AS AMBASSADOR

10 "1) In December 1940 I was again appointed  
11 Ambassador to Germany. When Foreign Minister MATSUOKA  
12 offered me the post I refused more than once, but by  
13 dint of his strong urging he ultimately prevailed upon  
14 me to accept it.

15 "In prosecution exhibit 560, transcript pages  
16 6,421-6,422, Ambassador Ott says that I refused because  
17 I wanted to stay in Japan and work politically for the  
18 Tripartite Pact. This is completely untrue. The reason  
19 of my refusal was because it was hardly one year since  
20 I resigned as a result of the failure of negotiations,  
21 and, after having been away from Japan for more than  
22 five years, I did not want to go again to a distant  
23 foreign country leaving my aged parents alone.

24 "2) My reappointment as Ambassador to Germany  
25 took place after the conclusion of the Tripartite Pact



1 in September 1940. The Imperial Rescript issued on the  
2 day of its conclusion (exhibit 554, transcript pages  
3 6,394-6,395) and the statement issued by the government  
4 (exhibit 2734, transcript pages 24,277-24,278) indicated  
5 clearly that this pact would form a cardinal point in  
6 Japan's foreign policy, and I was firmly convinced that  
7 my action as the Ambassador in Germany must above all  
8 be guided by this pact. As to the purpose of this pact,  
9 my understanding on the ground of what I heard from  
10 Foreign Minister MATSUOKA was to keep the United States  
11 out of the war and to facilitate the settlement of the  
12 China Incident. I thought naturally that Japan must be  
13 prepared for all eventualities in the world of tension  
14 and uneasiness, but I never advocated the using of armed  
15 forces for any but defensive purpose.

16 "3) In January 1941, prior to my departure  
17 for Germany, I was invited by Premier KONOYE to a party  
18 at his official residence together with Admiral NOMURA,  
19 new Ambassador to the United States. Among those who  
20 were present were Prince KONOYE, Minister without Port-  
21 folio HIRANUMA, War Minister TOJO, Navy Minister OIKAWA,  
22 Chief of the General Staff SUGIYAMA, Deputy Chief of  
23 the Naval General Staff KONDO, etc. At this party  
24 Premier KONOYE explained the attitude of the government  
25 toward the Tripartite Pact and emphasized that the

1 maintenance of peace was the prime desire of Japan; the  
2 Foreign Minister and the Navy Minister said that, even  
3 if the American-German war should break out, Japan  
4 would not enter the war unless it was determined clearly  
5 that Germany was attacked and asked me, as the decision  
6 had to be made in Tokyo after most careful consideration,  
7 to collect and report as many accurate data as possible.  
8 Besides, desires were expressed by many attendants that  
9 the intention of Germany in the European War be ascer-  
10 tained, especially whether she was going to carry out  
11 landing operations against England, and, if so, when  
12 the operations would be launched.

13 "4) In January 1941, prior to my departure  
14 from Tokyo, I met Ambassador Ott and Mr. Smetanin,  
15 Russian Ambassador to Japan, at the German Embassy upon  
16 invitation of Ambassador Ott. On this occasion I  
17 emphasized my desire for improving the Japanese-Russian  
18 relations in accordance with the idea of the Tripartite  
19 Pact, to which Ambassador Smetanin heartily agreed. As  
20 a result of his communication to the Russian Government,  
21 I and my party could get the Russian transit visas very  
22 quickly; the Russian Government provided us with special  
23 railway cars in the Soviet territory and permitted us to  
24 stay for three days in Moscow, which was an exceptional  
25 favor at that time.

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22 quickly; the Russian Government provided us with special  
23 railway cars in the Soviet territory and permitted us to  
24 stay for three days in Moscow, which was an exceptional  
25 favor at that time.

1 "14. SINGAPORE QUESTION AND OTHERS

2 "I arrived in Berlin on 19 February 1941, and  
3 went to Berchtesgaden on 28 February in order to  
4 present my credential to Hitler.

5 "2) In the prosecution exhibit 571, trans-  
6 cript pages 6,459-6,468, there is a description of my  
7 conversation with Ribbentrop on 23 February 1941.

8 "It is a fact that Ribbentrop in this interview  
9 tried to lead the conversation in the direction of  
10 inducing Japan to an attack on Singapore. However, I  
11 have no recollection about telling to Ribbentrop that  
12 the preparations for attack on Singapore, Hongkong,  
13 etc., would be completed by May. I had never received  
14 any information on such subjects. Also I never asked  
15 MATSUOKA to visit Berlin with a concrete plan of an  
16 attack on Singapore. I knew too well that such a matter  
17 was of a purely operational nature in charge of the  
18 High Command, and in our country no outside interven-  
19 tion was tolerated. When Ribbentrop touched the ques-  
20 tion of an attack on Singapore, I also expressed my  
21 personal opinion thereto and let the talk go along the  
22 line he suggested. This was because I as the Ambassador  
23 to Germany considered it most important to find out and  
24 ascertain the German intention for the future, especially  
25 her attitude towards Great Britain, and thought that



1 these talks of Ribbentrop could be a good clue for this  
2 purpose. I thought also that it was to some extent  
3 necessary for that purpose not to give the impression  
4 as if Japan was assuming an evasive attitude.

5 "2) In the prosecution exhibit 580, transcript  
6 pages 6,552-6,532, it is said that, when Foreign  
7 Minister MATSUOKA asked Ribbentrop for German help  
8 in the attack on Singapore, Ribbentrop told MATSUOKA  
9 that that question had already been discussed between  
10 OSHIMA and himself. However, I never talked with  
11 Ribbentrop about such matters, which were outside of my  
12 competence.

13 "3) The prosecution exhibit 573, transcript  
14 pages 6,469-6,473, is the directive No. 24 issued by  
15 the Fuehrer Headquarters on 5 March 1941 concerning the  
16 collaboration with Japan, in which it is said that:  
17 'The aim of the cooperation (with Japan) based on the  
18 Three-Powers Pact must be to bring Japan, as soon as  
19 possible, to active operation in the Far East.' The  
20 prosecution alleged as if I had some connection with  
21 this order of the Fuehrer. In fact, I never heard  
22 anything about this directive from Hitler or Ribbentrop  
23 or any other Germans. I learned of this order for the  
24 first time during my interrogation by the prosecutor.  
25

"15. FOREIGN MINISTER MATSUOKA'S VISIT TO

1 GERMANY.

2 "1) Foreign Minister MATSUOKA arrived in Berlin  
3 at the end of March 1941, and, after having several  
4 conversations with Hitler and Ribbentrop, left Berlin  
5 for Moscow at the beginning of April.

6 "2) Prior to my departure from Tokyo,  
7 Foreign Minister's visit to Germany had already been  
8 talked about. However, as the matter was not yet  
9 definitely decided upon, I did not talk with MATSUOKA  
10 about it in detail. After my arrival in Berlin also  
11 I was never instructed to arrange with the German side  
12 the agenda of conversation for MATSUOKA in Berlin. I  
13 only arranged the itinerary of MATSUOKA with the German  
14 side in accordance with the instructions received from  
15 the Foreign Minister.  
16

17 "3) I attended only the first conversations  
18 of MATSUOKA with Hitler and Ribbentrop, and was not  
19 present at the later conversations. At the conversation  
20 between MATSUOKA and Hitler which I attended, Hitler  
21 emphasized the desire of closer Japanese-German relations,  
22 and MATSUOKA responded with his characteristic verbosity  
23 bringing out various abstract theories but suggesting  
24 nothing concrete. There was also talk about the  
25 attack on Singapore, but MATSUOKA certainly did not  
make any commitments. Thereafter, MATSUOKA had several

1 talks with German leaders, but he never consulted me  
2 prior to these conversations, nor did he tell me any-  
3 thing about the particulars after the conversations.  
4 I did not ask him about that either. This was because  
5 I knew, as MATSUOKA told me, that the primary object  
6 of his trip was the conclusion of a neutrality treaty  
7 with Soviet Russia, and no special importance was  
8 attached to his visit to Germany and Italy, except to  
9 make acquaintance with the leaders of the two countries.

10 "4) I should like to say a word concerning  
11 my relations with Mr. MATSUOKA. I had never met him  
12 prior to our meeting in November 1940 when he urged me  
13 to accept the post of Ambassador. Thereafter, I saw  
14 him only several times during the one month before  
15 my departure to Germany and when he visited Berlin in  
16 April 1941. My impression was that he was a man of  
17 very strong self-confidence in the matter of diplomacy,  
18 and did not like to consult anybody. Especially towards  
19 the Ambassadors, he made it quite clear that he was not  
20 going to consult policy with them, but would give  
21 orders when necessary. I received from him before my  
22 departure from Tokyo no written instructions, but only  
23 very brief oral instructions concerning the Tripartite  
24 Pact. I had no conference with him on Japan's foreign  
25 policy in general.

1 "16. RELATIONS WITH SOVIET RUSSIA.

2 "1) The prosecution exhibit 587, transcript  
3 pages 6,562-6,565, (identical with 1096, transcript  
4 pages 10,031-10,033) and 1097, transcript pages 10,034-  
5 10,036, are telegrams exchanged on 28 June 1941 between  
6 Foreign Minister Ribbentrop and Ambassador Ott. I never  
7 told Ribbentrop that I would recommend to the Japanese  
8 Government military action against Soviet Russia, nor  
9 did I ever make such recommendations to the Tokyo Govern-  
10 ment. The contents of these telegrams are not true.

11 "2) After the outbreak of the German-Russian  
12 war and especially after the onslaught of the German  
13 Army was beginning to slacken, Ribbentrop urged two  
14 or three times Japan's joining in the war against Soviet  
15 Russia. I conveyed this request to Tokyo in execution  
16 of my ambassadorial duty, but did nothing more than that.  
17 After the outbreak of the Pacific War also such German  
18 requests were often repeated, but after I refused  
19 officially and clearly upon instruction of the Japanese  
20 Government the German request, as I think, in the summer  
21 of 1943, such requests were never made again.

22 "3) In the prosecution exhibit 811, transcript  
23 pages 7,994-7,998, a person named NOHARA testified that  
24 he was in charge of secret military information concern-  
25 ing Soviet Russia in the Japanese Embassy in Berlin.



1 This man was a Japanese-German half-breed temporarily  
2 employed by the Embassy in Berlin, since when I do not  
3 remember, could not speak Japanese well, and was not in  
4 any sense a regular member of the embassy, defense  
5 document 2787," which I now offer in evidence.

6 ACTING PRESIDENT: It may be admitted.

7 CLERK OF THE COURT: Defense document 2787  
8 will receive exhibit No. 3511.

9 (Whereupon, the document above re-  
10 ferred to was marked defense exhibit No. 3511  
11 and received in evidence.)

12 MR. CUNNINGHAM: (Reading)

13 "I heard that he was following radio broadcasts  
14 from overseas, but I did not know him personally, nor  
15 talk with him at all. It was a matter of course that  
16 I absolutely did not allow him to touch secret matters.

17 "17. JAPANESE-AMERICAN NEGOTIATIONS.

18 "1) As to the Japanese-American negotiations  
19 I received at the end of May 1941, some time after the  
20 commencement of the negotiations, a brief telegram from  
21 Foreign Minister MATSUOKA informing me that negotiations  
22 between Japan and America had been commenced. There-  
23 after, no information was received from the Tokyo  
24 Government; no reply was even received to my tele-  
25 graphic inquiries which were sent from time to time.

1 Also the decisions of the Liaison and the Imperial  
2 Conferences since the summer of 1941, or the contents  
3 thereof, were never communicated to me. I learned of  
4 them for the first time in this Tribunal. Therefore,  
5 I was left completely in the dark as to the progress  
6 of the Japanese-American negotiations, the policy and  
7 the intentions of the Japanese Government, etc.

8 Ribbentrop often asked me about the real situation of  
9 the Japanese-American negotiations, but because I was  
10 complete ignorant as mentioned above, I could give him  
11 no information.

12 "2) Such being the circumstances, I was not  
13 in a position to express my concurrence or opposition  
14 in this matter of Japanese-American negotiations. I  
15 was of the opinion that the China problem was the  
16 primary cause of the Japanese-American difficulties,  
17 and that therefore it would be difficult to ease the  
18 tension unless the China problem itself was solved. As  
19 to the Tripartite Pact, I thought it would not be  
20 difficult for the United States to understand it,  
21 because it was purely defensive in nature. I believed  
22 further that, as the Tripartite Pact had been made the  
23 basic diplomatic policy of Japan, the adjustment of the  
24 Japanese-American relations could be made only insofar  
25 as it would not contradict the Tripartite Pact. During

1 the negotiations, rumors were rampant and Germany grew  
2 suspicious lest the Tripartite Pact should be rendered  
3 meaningless. I feared very much that if the Japanese-  
4 American negotiations should fail, Japan would fall  
5 into a worse state of diplomatic isolation than ever,  
6 as the United States would look down upon Japan and  
7 Germany and Italy would not trust her any more. It  
8 was, however, my firm conviction and hope that peace  
9 would be maintained between Japan and the United States.  
10 This opinion of mine is also expressed in my telegrams  
11 to Foreign Minister MATSUOKA dated 20 May 1941, the  
12 prosecution exhibits 1075 and 1076, transcript pages  
13 9,918-9,932 and 9,933-9,934. Ribbentrop expressed to  
14 me at that time his strong suspicion as to the contents  
15 of the Japanese-American negotiations, and I dispatched  
16 these telegrams as I thought it a duty of Ambassador  
17 to report the view of the German Government to Tokyo,  
18 although I had received no communication from the home  
19 government concerning these negotiations. This was the  
20 only occasion that I presented my observation to my  
21 home government concerning the Japanese-American negoti-  
22 ations.  
23  
24  
25

1 "As far as I know, Germany also did not wish  
2 for a collision between Japan and the United States,  
3 and expressed her approval to the Japanese-American  
4 negotiations in so far as they would induce the United  
5 States to observe neutrality without affecting the  
6 Tripartite Pact. I think that in fact Germany tried  
7 to appease America, in spite of the dangerous situa-  
8 tion in the Atlantic Ocean.

9 "3) The prosecution exhibit 603-A, trans-  
10 cript pages 6,643-6,650, is allegedly an intercepted  
11 telegram dispatched on 29 November from Berlin to  
12 Tokyo. I do not recall the interview with Ribbentrop  
13 referred to in this telegram, nor the contents thereof.  
14 If the interception, decoding and translation of the  
15 telegram by the American authorities is correct, my  
16 loss of memory must be due to the fact that the conver-  
17 sation gave no strong impression to me. I do not remem-  
18 ber that Ribbentrop told me that Germany would join  
19 the war immediately if Japan should become engaged in  
20 a war against the United States. If Ribbentrop should  
21 have made such a statement, I think that that was be-  
22 cause he wanted either to ascertain the Japanese  
23 attitude towards the United States, or to influence  
24 Japan by strong expressions as he was always afraid  
25 lest Japan would turn away from Germany as a result



1 of the Japanese-American negotiations. At any rate,  
2 that Germany was not determined to join the Japanese-  
3 American war at once is clear from the fact that Rib-  
4 bentrop postponed the answer, on the pretext of con-  
5 sulting Hitler, when I approached him on this sub-  
6 ject a few days later by instruction of the home gov-  
7 ernment as shown in the following pages.

8 "4) On or about 29 November 1941 I suddenly  
9 received a telegram from Foreign Minister TOGO saying  
10 that the reply of Secretary of State Hull of 26 Nov-  
11 ember was very strong and uncompromising, but as I was  
12 unaware of the progress of the negotiations, I did not  
13 dream of the imminence of war. I went to Vienna  
14 with some of the embassy members in order to attend  
15 the 'Mozart Festival' as arranged previously," defense  
16 document 2876 which I now offer in evidence.

17 ACTING PRESIDENT: Mr. Tavenner.

18 MR. TAVENNER: If the Tribunal please, objec-  
19 tion is made to the introduction of this document be-  
20 cause it has no probative value as to the time or  
21 period during which the witness was in Vienna.

22 ACTING PRESIDENT: As far as the time is con-  
23 cerned it shows "Mozart Week" was from the 28th of  
24 November to the 5th of December, 1941.

25 MR. TAVENNER: It merely shows that such an

1 of the Japanese-American negotiations. At any rate,  
2 that Germany was not determined to join the Japanese-  
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22 ACTING PRESIDENT: As far as the time is con-  
23 cerned it shows "Mozart Week" was from the 28th of  
24 November to the 5th of December, 1941.

25 MR. TAVENNER: It merely shows that such an

occasion occurred. It does not show in any sense  
1 that this witness was there for any definite period.  
2 It is of no value as evidence to determine when he  
3 arrived at Vienna, when he left, or even if he was  
4 ever there.

5 ACTING PRESIDENT: We certainly are not  
6 interested in the six pages of the musical program  
7 they had there.

8 MR. CUNNINGHAM: My thought was that this was  
9 a very crucial period in the time of negotiations and  
10 the activities of this accused, and if there is any  
11 question about his whereabouts at a particular time  
12 he can identify the occasion, the performance, and so  
13 on, of his attendance on this occasion. And if the  
14 prosecution questions where he was at that particular  
15 time, this document and the reference to it by the  
16 witness will answer his questions. And I think it has  
17 probative value. I don't propose to read the document,  
18 I only propose to offer it as proof of our alibi that  
19 he was not in Berlin at the time these crucial nego-  
20 tiations between America and Japan were going on.

21  
22 ACTING PRESIDENT: How does this prove that  
23 OSHIMA was in Vienna at that time?

24 MR. CUNNINGHAM: Well, I didn't want to go  
25 into detail and have him testify as to what performance

1 was actually going on, what performances he attended,  
2 I only went to show in general that he was there, and  
3 if the prosecution is curious about whether or not  
4 he was actually there he can cross-examine him and  
5 he will be able to tell him exactly what performance  
6 was on the day, the hour, and perhaps who took part.

7 ACTING PRESIDENT: By a majority, the objec-  
8 tion is sustained and the document rejected.

9 MR. CUNNINGHAM: (Reading) "In Vienna I  
10 received a telephone call from Councillor KAWAHARA  
11 of the Embassy asking me to return to Berlin at once,  
12 and upon my return in the morning of 2 December, I,  
13 for the first time, learned that a telegram from the  
14 Foreign Minister had arrived instructing me to initiate  
15 the negotiations for the Non-Separate Peace Treaty. I  
16 immediately called on Ribbentrop in order to communi-  
17 cate this matter.

18 "Although the existence of a danger of war  
19 was mentioned in this telegram, I did not feel that  
20 war was inevitable or imminent as I thought that the  
21 intention of the Japanese Government was only to make  
22 preparations for an eventuality. I thought that there  
23 was still possibility of continuing negotiations; the  
24 instructions of the government arrived so suddenly that  
25 I could not grasp the situation. Therefore, when



1 Ribbentrop asked me whether the war was going to  
2 break out with America, I replied that it was not  
3 clear.

4 "5) To this proposal of mine Ribbentrop  
5 said that as it was a very grave question whether  
6 Germany should immediately declare war in case war  
7 broke out between Japan and America, he could not de-  
8 termine it by himself and must consult Hitler, and  
9 asked me to wait for a while.

10 "This situation is described in the prosecu-  
11 tion exhibit 605, transcript pages 6,654-6,656, my  
12 telegram to Foreign Minister TOGO, dispatched from  
13 Berlin in the afternoon of the 2d, and arrived in Tokyo  
14 on the 3d December 1941. But the date of my visit to  
15 Ribbentrop in this telegram, the 1st of December, is  
16 obviously wrong. It must be the 2d, and I think this  
17 mistake was due to the garbling of the coded text of  
18 the telegram. I dispatched the telegram to Tokyo  
19 immediately after the interview with Ribbentrop. The  
20 fact that the telegram was dispatched in the afternoon  
21 of 2d December clearly indicates that I saw Ribbentrop  
22 on that day.

23 "At that time Hitler was at the front near  
24 Moscow where the Russians were counter-attacking, and  
25 conducting the operations himself, as Ribbentrop told

1 me. Moreover, there was a heavy snow storm raging  
2 and it was extremely difficult to contact him. Thus,  
3 despite my urgings the German reply was postponed day  
4 by day until 7 December.

5 "6) In the afternoon of that day I received  
6 an instruction from Tokyo to hasten the negotiations.  
7 After consultation with the higher embassy staff I  
8 drafted a telegram explaining in detail the German  
9 attitude, ordered the dispatch thereof, and returned  
10 to my residence at about 8 o'clock in the evening.  
11 After 10 or 20 minutes I received a telephone call  
12 from one of the embassy staff informing me that the  
13 London radio broadcast the attack of the Japanese Navy  
14 on Pearl Harbor. I was very much surprised as I had  
15 never expected it and could hardly believe it. However,  
16 as a precautionary measure I rung up the embassy office  
17 and ordered to withhold the dispatch of the telegram  
18 to Tokyo.

19 "Some time thereafter, Ribbentrop asked me by  
20 telephone whether the radio broadcast was true, and I  
21 replied that I could not answer, lacking an official  
22 information. I went and saw him at the Foreign Office  
23 upon his request. He was also much surprised and  
24 seemed not to believe the outbreak of the Japanese-  
25 American war. However, as the same report continued

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2 and it was extremely difficult to contact him. Thus,  
3 despite my urgings the German reply was postponed day  
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22 information. I went and saw him at the Foreign Office  
23 upon his request. He was also much surprised and  
24 seemed not to believe the outbreak of the Japanese-  
25 American war. However, as the same report continued



1 to be broadcast from various radio stations, by mid-  
2 night I began to think that it might be true.

3 "7) On the morning of the 8th I received an  
4 official telegram from Tokyo informing me of the out-  
5 break of war. I conveyed the news to Ribbentrop and  
6 we began drafting the Non-Separate Peace Treaty. As  
7 the text was very simple we came quickly to an agree-  
8 ment, and the treaty was signed on 11 December 1941.

9 "8) The proposal of the Non-Separate Peace  
10 Treaty was not made to the German Government until I  
11 received the above-mentioned instruction from the  
12 Japanese Foreign Office. Prior to that there had  
13 been no talk between Japan and Germany concerning  
14 this treaty as far as I know.

15 "As to the prosecution exhibit 601 and 602,  
16 transcript pages 6,638-6,642, I heard for the first  
17 time in this Tribunal that such contacts were made  
18 in Tokyo between General OKAMOTO and General Kretschmer,  
19 German Military Attache, in November 1941. Ribbentrop  
20 never told me about that.

21 "I might add that I made in February 1946,  
22 in answer to the interrogation by the prosecutor, de-  
23 tailed statements as to the circumstances in Berlin  
24 at the time of the outbreak of the Japanese-American  
25 war (Defense Document 2820)," which I now offer in



evidence which verifies this.

1           MR. TAVENNER: If the Tribunal please.

2           ACTING PRESIDENT: Mr. Tavenner.

3           MR. TAVENNER: I would like to inquire whether  
4 or not this part of the witness' previous interroga-  
5 tion is to be considered a part of his affidavit by  
6 this reference? If it is, I will have no objection  
7 to it. But if it is a separate document to be read  
8 after this witness leaves the stand, I would object.

9           MR. CUNNINGHAM: Well, again we come to the  
10 proposition that I merely wish to offer the document  
11 as I see fit, and if I wish to read it, all right;  
12 if I do not, all right. I do not wish to incorporate  
13 it as a part of the evidence of this witness. I merely  
14 wish to identify it through the evidence of this wit-  
15 ness, and I merely offer it in evidence and expect to  
16 read such parts as I might see fit later on.

17           ACTING PRESIDENT: Under those circumstances  
18 shouldn't you offer it for identification only at  
19 this time?  
20

21           MR. CUNNINGHAM: I choose to offer it in evi-  
22 dence at this time, and if I wish to read from it here-  
23 after I have that privilege. If I merely identify it  
24 now it is not in evidence as I understand it.

25           MR. TAVENNER: If the Tribunal please, if

1 counsel's request is granted it would establish a  
2 most unique procedure. This witness would be in the  
3 position of having stated certain things through a  
4 document which is to be read after he leaves the  
5 stand, and, consequently, no opportunity will exist  
6 for cross-examining him unless he is recalled to the  
7 stand for that purpose.

8 ACTING PRESIDENT: That is the main point  
9 as to the right of cross-examination. The prosecution  
10 should certainly have that right if it is introduced  
11 in evidence.

12 MR. TAVENNER: I have no objection whatever  
13 if it is incorporated into this affidavit and made a  
14 part of it. But if it is to be presented at some  
15 later time, I would object to that.

16 ACTING PRESIDENT: It seems to me that he  
17 practically does incorporate it in his affidavit by  
18 his statement here.

19 MR. TAVENNER: That is true, there is some  
20 question about it, and that is the reason I raised  
21 the question. Counsel now disavows that that is his  
22 intention.

23 MR. CUNNINGHAM: I don't think there is any  
24 question about this, that I am offering this document  
25 in evidence not as a part of the affidavit of this

1 witness, but only referred to and identified by this  
2 witness. I can't see much difference in whether it  
3 is introduced or not. The right of the prosecution  
4 to cross-examine would not be limited by the fact  
5 whether or not it was in the record as part of their  
6 interrogation.

7 ACTING PRESIDENT: The majority of the Court  
8 seem to be of the opinion that if it is admitted  
9 that it will be incorporated as part of the testimony  
10 of this witness.

11 MR. CUNNINGHAM: I have no quarrel with  
12 what part of the evidence it is considered. My thought  
13 is when it is in the record it is in the record. And  
14 if that is the wish of the Court why it is merely a  
15 technical admission, it has no bearing on the effect  
16 of the evidence.

17 ACTING PRESIDENT: I will consult with my  
18 colleagues during the recess.

19 We will recess for fifteen minutes.

20 (Whereupon, at 1045, a recess  
21 was taken until 1105, after which the  
22 proceedings were resumed as follows:)  
23  
24  
25

1 MARSHAL OF THE COURT: The International Mili-  
2 tary Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: The objection is overruled;  
4 the document will be admitted in evidence.

5 CLERK OF THE COURT: Defense document 2820  
6 will receive exhibit No. 3512.

7 (Whereupon, the document above  
8 referred to was marked defense exhibit  
9 No. 3512 and received in evidence.)

10 ACTING PRESIDENT: The document having been  
11 admitted in evidence, it is evidence for all purposes.  
12 If not read by the defense, the prosecution can read it  
13 in the course of its cross-examination, or such parts  
14 of it as the prosecution may see fit, or he can cross-  
15 examine, as he wishes.

16 MR. TAVENNER: If the Tribunal please, I have  
17 now only one question to ask, and that is that defense  
18 counsel be required to read such portion of that docu-  
19 ment as he desires to read as part of this witness'  
20 testimony. It would be reversing the procedure if the  
21 prosecution were required to cross-examine on the matter  
22 and then later it be read. My only point in the whole  
23 matter is that counsel do whatever he desires to do in  
24 reading this document as a part of this witness' testi-  
25 mony when he is on the stand; and when that time comes,



1 he may elect to do so.

2 MR. CUNNINGHAM: Your Honor, I will determine  
3 when I read and when I don't read part of the document--

4 ACTING PRESIDENT: Just a minute. As I  
5 understand it, this having been introduced in evidence,  
6 it is incorporated by this witness as a part of his  
7 testimony.

8 MR. CUNNINGHAM: That is not my understanding.  
9 My understanding is that I am only identifying this  
10 document through this witness, as has been the practice,  
11 and I am offering this as an independent document, and  
12 I choose to read as much as I see fit into the record  
13 when and--

14 ACTING PRESIDENT: You heard the ruling of the  
15 Court. It will stand.

16 MR. CUNNINGHAM: I am frank to say that I do  
17 not quite understand the rule of the Court, and if you  
18 are following the past procedure, I certainly think  
19 that it is contrary to the past procedure.

20 ACTING PRESIDENT: We do not care to listen to  
21 any more argument, Mr. Cunningham.

22 Proceed.

23 MR. CUNNINGHAM: Starting on the bottom of  
24 page 41:

25 "9) Receiving the decoration from Germany.

1 "Shortly after the outbreak of the Pacific War  
2 I received a decoration from the German Government. I  
3 thought this to be a gesture shown by Germany to Japan  
4 since the two countries were now allies in war. In  
5 Germany it was a custom that any foreign diplomat,  
6 whether ambassador, minister or others, received a deco-  
7 ration after two years' stay in Berlin. Decoration of  
8 the foreigners was a very formal matter.

9 "18. MILITARY AGREEMENT BETWEEN JAPAN, GERMANY  
10 AND ITALY.

11 "On 18 January 1942 in Berlin the Military  
12 Agreement between Japan, Germany and Italy was concluded.  
13 This was an agreement concerning matters belonging  
14 exclusively to the High Command, and according to the  
15 Japanese system no intervention by me as a civilian  
16 official was tolerated. I had, therefore, in fact no  
17 connection with this agreement.

18 "19. MIXED COMMISSION AND MY ATTITUDE AFTER  
19 THE OUTBREAK OF WAR.

20  
21 "1) I as the Ambassador to Germany was ex-  
22 officio, in accordance with the memorandum concerning  
23 the organization of the commission, the prosecution  
24 exhibit 559, transcript pages 6,417-6,420, a Japanese  
25 member of the Mixed Special Commission in Berlin based  
on Article 4 of the Tripartite Pact.

1 "This commission was never convened prior to  
2 the outbreak of the Japanese-American War; even after  
3 its outbreak, it was, according to my memory, convened  
4 not more than three times. The agenda of the sessions  
5 was confined to the exchange of ceremonial greetings  
6 of the delegates of the three countries and to general  
7 explanations of the war situation by the German members;  
8 no material discussions whatsoever concerning future  
9 plans ~~or~~ combined operations took place. In short,  
10 this commission was nothing but of nominal existence.

11 "2) With respect to the communication between  
12 Japan and Germany the route through Siberia was closed  
13 as a result of the German-Russian War; since the out-  
14 break of the Japanese-American War the communication  
15 between the both countries grew more difficult. Only a  
16 few Japanese succeeded to get the Soviet visa to travel  
17 via Siberia, and the difficult and hazardous voyage  
18 by German blockade runners or submarines became next  
19 to impossible as the war progressed. Communication  
20 by air was found impracticable. Therefore, the only  
21 means left open was radio, which was very inadequate  
22 for the exchange of views between Japan and Germany.

23 "3) Since the outbreak of the Japanese-  
24 American War, I never received from the government any  
25 communication concerning political and military plans

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2 the outbreak of the Japanese-American War; even after  
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20 by air was found impracticable. Therefore, the only  
21 means left open was radio, which was very inadequate  
22 for the exchange of views between Japan and Germany.

23 "3) Since the outbreak of the Japanese-  
24 American War, I never received from the government any  
25 communication concerning political and military plans



1 for the future. As far as I know the military and the  
2 naval attaches received no information either. There-  
3 fore, it was almost impossible for us in Berlin to col-  
4 laborate with the German side politically, militarily  
5 or otherwise. No special desire of the Japanese Govern-  
6 ment in this respect was communicated to me.

7 "Since the outbreak of the Pacific War, mili-  
8 tary matters were often brought up during my conversa-  
9 tions with Hitler or Ribbentrop. As operational matters  
10 were outside the scope of my duty, and moreover, as I  
11 received little information from Tokyo, all that I could  
12 do on such occasions was to offer my personal views  
13 on the war situation in the Pacific from my general  
14 knowledge of military matters and on the strength of  
15 other meager general information in my possession.

16 "4) The Japanese-German Economic Agreement  
17 was concluded in January 1943. I signed it in accord-  
18 ance with instructions of my government. As I had no  
19 sufficient knowledge concerning economic matters, I  
20 entrusted this matter to a minister who was attached  
21 to the Embassy as a specialist on economics. There-  
22 fore, I did not know the details of the negotiations  
23 or the working of the agreement after its conclusion.  
24 As far as I know, this agreement remained nothing but a  
25 piece of paper, because communication between Japan

1 and Germany was very difficult and transport of goods  
2 was practically impossible.

3 "20. SUBMARINE QUESTION.

4 "1) It was either at the end of February or  
5 the beginning of March 1943, that Ribbentrop told me  
6 that Hitler wished to offer as present two German sub-  
7 marines to Japan. He told me that Hitler would like  
8 to make this present, as the efficiency of the German  
9 submarines was very much improved recently. I con-  
10 veyed this to Vice-Admiral NOMURA then resident in  
11 Berlin and Rear Admiral YOKOI, the Naval Attache, and  
12 also cabled it to the Foreign Office in Tokyo. The  
13- central naval authorities in Tokyo promptly sent a  
14 telegram to Vice-Admiral NOMURA that Japan would be  
15 glad to accept the German gift. NOMURA asked me to  
16 convey to Hitler Japan's acceptance, but, as Hitler  
17 was not in Berlin then, I met Ribbentrop for that purpose.  
18 Thereafter, all talks concerning the transfer of the  
19 submarines were conducted by NOMURA and YOKOI without  
20 my participation.

21 "2) In my interrogation dated 1 February 1946  
22 which is now the prosecution exhibit 2106, transcript  
23 pages 15,186-15,195, there are several errors owing to  
24 the failure of my memory and the misunderstanding of  
25 the interpreter. As Captain Robinson who interrogated

1 and Germany was very difficult and transport of goods  
2 was practically impossible.

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5 the beginning of March 1943, that Ribbentrop told me  
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13 central naval authorities in Tokyo promptly sent a  
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22 which is now the prosecution exhibit 2106, transcript  
23 pages 15,186-15,195, there are several errors owing to  
24 the failure of my memory and the misunderstanding of  
25 the interpreter. As Captain Robinson who interrogated

1 me on this matter was good enough to say that he would  
2 receive my statement, drawn up on the basis of my  
3 corrected memory, I presented to him a memorandum on  
4 19 February 1946, which is now the defense document  
5 No. 2845," which I offer in evidence.

6 ACTING PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: May it please the Tribunal,  
8 the same situation exists with regard to this document,  
9 which is a statement by this witness, as to the  
10 interrogation, and the same ruling of the Tribunal is  
11 requested.

12 MR. CUNNINGHAM: I ask that no additional  
13 restrictions be placed upon the acceptance of the docu-  
14 ment by the Tribunal except the restrictions which I  
15 in my offer make.

16 ACTING PRESIDENT: It will be admitted in  
17 evidence under the same conditions as exhibit 3512.

18 CLERK OF THE COURT: Defense document 2845  
19 will receive exhibit No. 3513.

20 (Whereupon, the document above  
21 referred to was marked defense exhibit  
22 No. 3513 and received in evidence.)

23 MR. CUNNINGHAM: Starting at the top of  
24 page 45:  
25

"3) I heard in January 1942 from Hitler that



1 me on this matter was good enough to say that he would  
2 receive my statement, drawn up on the basis of my  
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24 page 45:  
25

"3) I heard in January 1942 from Hitler that

OSHIMA

DIRECT

34,047

1 he was going to issue an order to annihilate crews of  
2 torpedoed merchant ships. As that was a matter con-  
3 cerning the German Navy only and had no direct rela-  
4 tion with Japan, I did not object. I never conveyed  
5 the story to the Japanese Government as this was in  
6 Japan a purely naval question and did not concern the  
7 Foreign Office or Ambassador. When the offer to pre-  
8 sent two submarines to Japan was made in March 1943,  
9 neither Hitler nor Ribbentrop talked about the annihi-  
10 lation of crews of torpedoed merchant ships.  
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1 "21. GERMANY'S COLLAPSE AND MY RETURN HOME.

2 "In April 1945 when danger became imminent  
3 to Berlin the German Government requested the entire  
4 diplomatic corps to move to Bad-Gastein in South  
5 Germany. I left Berlin on April 14 together with  
6 the Embassy staff. In the middle of May the American  
7 forces entered Bad-Gastein, and we were placed under  
8 the American custody. We were then sent to the  
9 United States, leaving Bad-Gastein on 1 July 1945,  
10 and taken to Bedford, Pennsylvania. We were directed  
11 to stay in a hotel there. We left Bedford at the end  
12 of November, and arrived at Uraga on 6 December 1945.  
13 Since our internment in Germany until our return  
14 home I was always treated by the American Government  
15 as a diplomat under custody.

16 "22. CONCERNING CONSPIRACY CHARGES AND  
17 OTHERS.

18 "1) a) The prosecution alleges that I  
19 participated in a conspiracy with the co-accused and  
20 divers other persons or with the German and Italian  
21 leaders for the purpose of securing the domination of  
22 a part of China and the whole world by means of  
23 unlawful acts, and planned, prepared, initiated  
24 and waged with these people wars in violation of  
25 treaties or wars of aggression. This allegation



1 is totally groundless.

2 "b). First, I was as Ambassador or as  
3 Military Attache nothing but an agent on the spot,  
4 and was not in a position to determine by my own  
5 action or opinion the policy of my home Government.  
6 I did not even receive information concerning the  
7 general over-all policy of the Japanese Government.

8 "c). Secondly, I never acted with the  
9 knowledge that Japan was waging any unlawful or  
10 aggressive war. Also I never acted with such desire  
11 or intention. I was firmly convinced that it was  
12 the highest duty of an Ambassador or Military Attache  
13 on the spot, or a citizen of Japan, to endeavor to  
14 contribute to the preservation and the development  
15 of Japan in accordance with the policy determined by  
16 the home government.

17  
18 "2). The prosecution alleges that I par-  
19 ticipated in a conspiracy of initiating unlawful  
20 hostilities or hostilities without proper notice  
21 against the United States and other countries and  
22 committed the crime of murder by ordering, causing  
23 and permitting the armed forces of Japan to make  
24 such attacks on 7 or 8 December 1941.

25 "However, I never desired the initiation  
of the Pacific War and was surprised on hearing of

1 these attacks after they had taken place. I never  
2 consulted with anybody concerning these attacks  
3 prior to their taking place nor did I suggest or  
4 order them to anybody. I was merely an Ambassador  
5 on the spot, and had no power to order the Japanese  
6 armed forces to attack, nor had I any power to  
7 prevent such attacks by them.

8 "3). The prosecution alleges that I par-  
9 ticipated in the conspiracy of murdering the prisoners  
10 of war and others, and of committing acts contrary  
11 to the law of war and humanity against them, and  
12 ordered, caused, or permitted the army and navy  
13 officers of Japan and others to commit these criminal  
14 acts.

15 "However, I never consulted anybody concern-  
16 ing this matter, nor did I suggest it to anybody.  
17 I never ordered or authorized anybody to do these  
18 acts. I was merely an Ambassador on the spot and  
19 had no power to do so. I did not know that these  
20 acts were committed, nor was I in a position,  
21 equipped with power and duty, to prevent such acts.

22 "4). I am indicted on account of the  
23 allegation that I participated in a conspiracy with  
24 all the co-accused of this trial. However, during  
25 the period from 1934 until 1945 I was only for one

1 year in Japan, and had no chance to exchange political  
2 views with most of the accused. With HIROTA, HOSHINO,  
3 KAYA, KIDO, OKAWA, and SATO I had no acquaintance or  
4 communication. With ARAKI, DOHIHARA, HASHIMOTO, HATA,  
5 ITAGAKI, KIMURA, KOISO, MATSUI, MINAMI, MUTO, and  
6 SUZUKI, I was only slightly acquainted because we  
7 were in the army. With TOJO and UMEZU I served  
8 together in the General Staff in or about 1931 and  
9 1932, but our assignments were different and I had  
10 no intimate relation with them. I met HIRANUMA  
11 only once, that is, prior to my departure for Germany  
12 in 1941. With OKA I had only very slight acquaintance.  
13 SHIMADA was in the Naval General Staff in or about  
14 1933 when I served there concurrently with my assign-  
15 ment in the Army General Staff, but I knew him only  
16 very slightly. With SHIGEMITSU I became acquainted  
17 in 1938 or 1939 in Europe. With TOGO I was together  
18 in Berlin in 1938. With SHIRATORI I became acquainted  
19 in 1939 when we were engaged in the same diplomatic  
20 negotiations.

21 "During my two tours of ambassadorial duty  
22 the Foreign Minister of Japan changed nine times,  
23 namely, KONOYE, ARITA, ABE, NOMURA, MATSUOKA, TOYODA,  
24 TOGO, TANI, and SHIGEMITSU. With any of them except  
25 TOGO, who was in Berlin with me, I had no closer

1 relations than brief acquaintances. At any rate,  
2 I never discussed with any of the accused or any-  
3 body else on matters contained in the Indictment,  
4 nor did I ever suggest such matters to anybody."  
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1 Now, I presume that this will be just as  
2 good a time as any to read these documents that  
3 I have offered, such parts of them as I desire  
4 to read, but before I read I want to make a correc-  
5 tion on page sixteen, line 6; change "with the  
6 permission of the German Staff" to "with the  
7 permission of the General Staff."

8 We now offer to read defense document 2855,  
9 exhibit 3509, commencing at page 2:

10 "I, MIYAMA, Yozo, who occupy the post of  
11 the chief of the Archives and Document Section of  
12 the 1st Demobilization Bureau, hereby certify that  
13 'military regulations concerning the organization  
14 of the General Staff Headquarters' were destroyed  
15 by fire at the time of the termination of the war  
16 and is not in the custody of the 1st Demobilization  
17 Bureau at present."

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1 Now, I presume that this will be just as  
2 good a time as any to read these documents that  
3 I have offered, such parts of them as I desire  
4 to read, but before I read I want to make a correc-  
5 tion on page sixteen, line 6; change "with the  
6 permission of the German Staff" to "with the  
7 permission of the General Staff."

8 We now offer to read defense document 2855,  
9 exhibit 3509, commencing at page 2:

10 "I, MIYAMA, Yozo, who occupy the post of  
11 the chief of the Archives and Document Section of  
12 the 1st Demobilization Bureau, hereby certify that  
13 'military regulations concerning the organization  
14 of the General Staff Headquarters' were destroyed  
15 by fire at the time of the termination of the war  
16 and is not in the custody of the 1st Demobilization  
17 Bureau at present."

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1 At this time, I should like to read  
2 exhibit No. 3510:

3 "Article 1. Government officials, pledging  
4 their allegiance and assiduous services to His  
5 Majesty, the Emperor and His Majesty, the Emperor's  
6 Government, shall obey public laws and orders and  
7 discharge their respective duties.

8 "Article 2. Government officials shall  
9 with respect to their duties, observe the orders  
10 from the chief officials to whom they are assigned.

11 "They can, however, express their own  
12 opinion relating to such orders."

13 That is as much of this document I care  
14 to read.

15 Exhibit No. 3511:

16 "CERTIFICATE

17 "Name: NOHARA, Komakichi

18 "An ex-non-regular member of the embassy

19 "Born: On the 4th of July, 1899

20 "Original domicile: No. 2781 Sanno Ota-  
21 ward, Tokyo

22 "Present address: Unknown

23 "I hereby certify that the above person  
24 was in the service of the Japanese Embassy in  
25 Germany on the staff serving on the spot, but was

not a formal member of the Foreign Office.

"On this 21st day of October, 1947."

Certified by "TERAOKA."

We shall not read any part of defense document 2820, revised, exhibit No. 3512, and I might say that we didn't intend to read any part of it in the first place, so we haven't changed our course of action any as a result of the controversy that has arisen about it.

MR. TAVENNER: When counsel states that he does not desire to read any part of this exhibit, that means that he does not propose to read it later, does it not, as well as a part of this witness' testimony?

ACTING PRESIDENT: It will not be read at any time unless this witness is subject to cross-examination.

MR. CUNNINGHAM: Well, your Honor, whether this witness is cross-examined on this particular document now doesn't seem to me to interfere at all with the admission of this document into evidence. That doesn't restrict their right at all to cross-examine him on anything they may have in their possession, whether it is our document or not. We are arguing --



1           ACTING PRESIDENT: You present a document  
2 which the witness identifies as his own statement.  
3 If you do not care to read it in evidence, the  
4 Court will certainly not give it any weight.

5           MR. CUNNINGHAM: Well, the weight the  
6 Court attaches to a document is something I have  
7 no control over. I only offer you what I have, and  
8 how you consider it is your best judgment, not to  
9 be determined by me. I only say we are arguing a  
10 moot question here.

11          ACTING PRESIDENT: All I can say, and I  
12 am speaking for myself alone, is that such tender --  
13 such a document has little, if no, probative value.

14          MR. CUNNINGHAM: We are not apart on that.  
15 I am not contending any great probative value. I  
16 am merely accounting for the document to which the  
17 witness made reference, and we are bound to do that  
18 under the rules of this Court. I have offered this  
19 document, I have identified it through the witness,  
20 I referred to it, and the weight you give to it I  
21 am not considering having any control over.

22          ACTING PRESIDENT: Proceed with your defense.  
23  
24  
25

1 MR. CUNNINGHAM: I offer to read defense  
2 document 2845, exhibit 3513:

3 "On February 1 Captain Robinson, having  
4 finished my interrogation, requested me to refresh  
5 my recollections as much as possible to facilitate  
6 further interrogations by him. I accordingly sum  
7 up my recollections and state, not without repetitions,  
8 as follows:

9 "The interrogations on that day consisted  
10 of the two points: (1) In 1943 Foreign Minister  
11 Ribbentrop asked me if the Japanese Navy had any  
12 intention of strengthening the communication destruction  
13 warfare with submarines in the Pacific, and proposed  
14 that he was ready, should the Japanese Navy desire  
15 it, to have two German submarines presented to the  
16 Japanese Navy as suitable models for the purpose;  
17 (2) He informed me that orders had already been issued  
18 to kill the crew of any U.S. vessels sunk by German  
19 submarines.

20 "The first point was a fact. I immediately  
21 notified Vice Admiral NOMURA, Naval Commissioner, and  
22 Rear Admiral YOKOI, Naval Attache in Berlin. The  
23 two admirals accordingly cabled the Japanese Naval  
24 authorities (meaning Navy Minister and Chief of the  
25 Naval General Staff). As for myself, I sent a telegram

1 to the Foreign Minister asking him to transmit it  
2 to the Naval authorities. Then the Japanese Naval  
3 authorities cabled instructions to the two admirals  
4 to negotiate transfer of the German submarines.  
5 Though I informed Foreign Minister Ribbentrop of this  
6 telegram at the request of the two admirals, I had  
7 had nothing to do with the matter since that time,  
8 the negotiations being held exclusively between the  
9 two admirals and the German Navy. Under the German  
10 system, Foreign Minister Ribbentrop had the authority  
11 to take part in and talk over such military affairs,  
12 just as he told me of the above matter at the outset.  
13 But it was entirely different with us; neither the  
14 Foreign Minister nor the Ambassador had any such  
15 authority whatever as the Navy had the exclusive  
16 jurisdiction over such matters. We only transmitted  
17 informations to the Navy. This was why I received  
18 no telegram at all from either the Japanese Navy or  
19 the Foreign Ministry, from the beginning to the  
20 end.

21 "Regarding the second point at the Captain's  
22 last interrogation, I misunderstood that it was also  
23 notified by Germany in 1943 together with the matter  
24 of strengthening the submarine warfare, mentioned as  
25 the first point, and I somehow mixed the first and

1 second points. But after tracing back in my memory,  
2 I recalled that this had been told by Hitler in  
3 January 1942 (this was published in newspaper articles).  
4 Therefore, I am sure that this matter was not mentioned  
5 at the interview with Foreign Minister Ribbentrop in  
6 1943. According to my memory I did not cable this  
7 to my Government for the following reasons:

8 "1. The German Government had only told  
9 me about such steps, without any official request to  
10 the Japanese Government.

11 "2. That such measure was against the  
12 traditional spirit of Japan and was not worth any  
13 serious consideration. (At the last interrogation  
14 I told him the following story which was a noted fact  
15 and which comes from the traditional spirit of our  
16 Navy: At the time of the Russo-Japanese War KAMIMURA  
17 Squadron rescued the drowning Russian officers and  
18 men even at the cost of suspending the chasing of the  
19 Vladivostok Squadron. The Captain, however, mentioning  
20 several examples, asserted that there had been  
21 contradictory facts in the last war. As I had been  
22 in Germany during the Greater East Asia War, I do not  
23 know about the changes, but I, who left Japan five  
24 years ago, cannot imagine that the massacre of the  
25 crews of the sunken vessels should have been perpetrated.)



1           "3. This problem was under the sole juris-  
2       diction of the Navy, and not in my authority. Perhaps  
3       I may have mentioned it to Admirals NOMURA and YOKOI,  
4       but my memory is not clear about it. The other day  
5       the Captain inquired whether I had received a cable  
6       order from the Japanese Navy dated March 20th 1943,  
7       but I can positively assert that I never received such  
8       a cablegram. At that time, the Captain referred to  
9       the sinking of an American ship in the Indian Ocean  
10      on July 2nd 1944, but I was never notified about that.  
11      With regard to the massacre of the crew of sunken  
12      American vessel, I did not have any talks with the  
13      German Government. Moreover such a problem was under  
14      the sole jurisdiction of the Navy according to the  
15      tradition in Japan and the Foreign Ministry had  
16      nothing to do with it. As far as I know, the repre-  
17      sentatives of the Japanese Navy never talked about  
18      this problem with the German Naval authorities.

19           "Incidentally I will state that there was  
20      opposition against such a massacre even among the  
21      German Navy. The then Chief of the operations Section  
22      of the German Navy, Admiral Gross who had been the  
23      liaison officer with the Japanese Navy (now lives at  
24      Freiburg, Germany) once told me that such a measure  
25      was against Naval customs in general.

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1 "I have stated the above according to my  
2 memory. I desire that this matter be investigated  
3 through the Japanese Navy.

4 "/S/ Hiroshi OSHIMA."  
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1           Now, I have just a few additional questions  
2 I would like to ask the witness.

3 BY MR. EUNNINGHAM (Continued):

4           Q   In the Eugen Ott exhibit No. 1, a telegram  
5 from Ambassador Ott to the German Foreign Ministry,  
6 dated the 31st of December, 1939, which is attached  
7 to the court exhibit No. 3503, transcript pages  
8 33,983 to 33,945, Ambassador Ott stated in the  
9 last part of the telegram that you were working for  
10 the collapse of the Cabinet. Have you any idea what  
11 is meant by this statement of Ott?

12           A   I know nothing. The Ott telegram just  
13 referred to is dated 31 December 1939. Shortly  
14 before that on the 10th of December, I returned to  
15 Japan after five years of residence abroad, and  
16 hence I had no knowledge whatsoever of domestic  
17 conditions in Japan. So there would be -- it being  
18 shortly after my return and being busy with personal  
19 affairs, there would be no reason whatsoever that I  
20 should ever participate in any movements or cause  
21 for the collapse of the government or to speak of  
22 the political situation to others. I may have met Ott,  
23 but I can say for certain that I never spoke of such  
24 a matter to him.  
25

I should also like to add that, not only

1           Now, I have just a few additional questions  
2 I would like to ask the witness.

3 BY MR. EUNNINGHAM (Continued):

4           Q   In the Eugen Ott exhibit No. 1, a telegram  
5 from Ambassador Ott to the German Foreign Ministry,  
6 dated the 31st of December, 1939, which is attached  
7 to the court exhibit No. 3503, transcript pages  
8 33,983 to 33,945, Ambassador Ott stated in the  
9 last part of the telegram that you were working for  
10 the collapse of the Cabinet. Have you any idea what  
11 is meant by this statement of Ott?

12           A   I know nothing. The Ott telegram just  
13 referred to is dated 31 December 1939. Shortly  
14 before that on the 10th of December, I returned to  
15 Japan after five years of residence abroad, and  
16 hence I had no knowledge whatsoever of domestic  
17 conditions in Japan. So there would be -- it being  
18 shortly after my return and being busy with personal  
19 affairs, there would be no reason whatsoever that I  
20 should ever participate in any movements or cause  
21 for the collapse of the government or to speak of  
22 the political situation to others. I may have met Ott,  
23 but I can say for certain that I never spoke of such  
24 a matter to him.  
25

I should also like to add that, not only



1 at that time but later, I have never participated in  
2 any movements for seeking the collapse -- to bring  
3 about the downfall of the government.

4 That is all.

5 Q In the Eugen Ott exhibit No. 2, a telegram  
6 from Ott to the German Foreign Office, dated the  
7 23rd of January, 1940, which is attached to the  
8 court exhibit No. 3503, Ott referred to your opinion  
9 as to the handling of the Asama-maru incident. Do  
10 you recall anything in this connection?

11 A No, my recollection is that I have not  
12 talked with Ott on the Asama-maru incident even  
13 once. At that time, I had already resigned from my  
14 ambassadorship. The Foreign Office was not supply-  
15 ing me with any information, and I learned of the  
16 Asama-maru incident only from the newspapers. Hence  
17 I do not advise or express my views to others with-  
18 out knowing the real facts of a situation. I pre-  
19 sume that probably Ott used my name because the  
20 Asama-maru affair did not progress as he had hoped  
21 and desired, and he feared a reprimand from Ribben-  
22 trop.

23 Q Now, in the Eugen Ott exhibit No. 3, a  
24 telegram from Ott to the German Foreign Minister,  
25 dated the 26th of January, 1940, which is attached

1 to the said court exhibit No. 3503, Ott stated that  
2 he asked for your opinion concerning the visit of  
3 the Duke of Coburg to Japan. Do you recall anything  
4 in this connection?

5 A I recall that Ott called on me and told me  
6 that the Japanese Foreign Office had requested that  
7 the visit to Japan of the Duke of Coburg be post-  
8 poned until after the recess of the Japanese Diet.  
9 At that time, the Foreign Office was not -- I was  
10 not receiving any information from the Foreign  
11 Office and learned of this matter for the first  
12 time from Ott. But, not being an important or  
13 serious matter, I probably told Ambassador Ott that  
14 "you might do just as the Foreign Office advises."  
15 Being shortly after my -- being only about one  
16 month after my return to Japan and having been  
17 spending my time at the hot springs on the Izu  
18 Peninsula at the years end and at the beginning of  
19 the year, I had, in fact, no knowledge whatsoever  
20 that there was anything like an anti-British move-  
21 ment going on in Japan. Therefore, there is -- there  
22 could not have been any occasion or reasons for my  
23 speaking to Ambassador Ott about an anti-British  
24 movement. I presume that, in order to make his  
25 cablegram better and more smoothly acceptable, he

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1 probably included the anti-British movement by his  
2 own arbitrary discretion.  
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1 MR. CUNNINGHAM: Mr. Furness, I believe,  
2 has some questions to ask at this time.

3 ACTING PRESIDENT: Mr. Furness.

4 MR. FURNESS: For the defendant SHIGEMITSU,  
5 further direct examination, your Honor.

6 DIRECT EXAMINATION (Continued)

7 BY MR. FURNESS:

8 Q Ambassador OSHIMA, on last Friday, November 21,  
9 General KAWABE testified regarding a trip you made  
10 to London. Did you make such a trip?

11 A Yes, I did.

12 Q Did you in the course of the trip discuss  
13 with Ambassador SHIGEMITSU the proposed Pact?

14 A Yes, I did.

15 Q Did Mr. SHIGEMITSU express approval or dis-  
16 approval of the proposed Pact?

17 A I gained the impression that the accused  
18 SHIGEMITSU disapproved. This trip was not made for  
19 purposes of study or investigation in connection with  
20 this proposed Pact, but was largely a pleasure tour  
21 and so we did not go into details in our discussions.  
22 And in the course of such discussions the impression  
23 I gained, as I have told you, was that he disapproved.

24 MR. FURNESS: No further questions.

25 MR. CUNNINGHAM: No further questions by the



defense.

1           ACTING PRESIDENT: In view of the time, I  
2 think we will start the cross-examination this after-  
3 noon.

4           We will recess to 1:30.

5           (Whereupon, at 1157, a recess was taken.)  
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## AFTERNOON SESSION

1 The Tribunal met, pursuant to recess, at 1330.

2 MARSHAL OF THE COURT: The International  
3 Military Tribunal for the Far East is now resumed.

4 ACTING PRESIDENT: With the Tribunal's  
5 permission the accused TOGO will be absent from the  
6 courtroom the whole of the afternoon session conferring  
7 with his counsel.  
8

9 Mr. Tavenner.  
10

11 - - -

12 H I R O S H I O S H I M A, an accused, resumed  
13 the stand and testified through Japanese inter-  
14 preters as follows:

## CROSS-EXAMINATION

15  
16 BY MR. TAVENNER:

17 Q General OSHIMA, while you were a section chief  
18 of the Army General Staff headquarters from August 1,  
19 1931 to April 1934, did you confer with the officials  
20 of the War Ministry?

21 A What kind of matters are you referring to  
22 when you say "confer with"?

23 Q I merely asked you if you conferred; I didn't  
24 define the matter.  
25

A Yes, there were occasions on which I conferred

1 with the War Ministry whenever such matters were  
2 amongst the duties under my charge.

3 Q Were the following accused connected with  
4 the War Ministry during this period: ARAKI, as War  
5 Minister; MINAMI, as War Minister; KOISO, as director  
6 of the Bureau of Military Affairs; and SUZUKI, as  
7 member of the Bureau of Military Affairs?

8 A I do not recall the exact years but my  
9 recollection is that the persons just named by you,  
10 Mr. Prosecutor, were generally there at the time.

11 Q You state on page 47 of your affidavit that  
12 you served with TOJO and UMEZU on the General Staff.  
13 Were not MATSUI and MUTO also members of the Army  
14 General Staff during the period that you were a  
15 General Staff officer?

16 A MATSUI was not there at the time I was in  
17 the General Staff office but MUTO was there for some  
18 time briefly, although I had no direct dealings with  
19 him. That is my recollection.

20 Q Did you not also come in contact with  
21 Lieutenant General HATA, who was the inspector of  
22 artillery from August 1931 to 1933?

23 A No, our duties were completely out of touch.

24 Q Will you please state what official position  
25 in the German Government was held by the following

1 persons whose names were signed to various telegrams  
2 and memorandums admitted in evidence: Weizsaecker.

3 A He was Vice-Minister of Foreign Affairs  
4 during the time I was Ambassador in Berlin.

5 Q Knoll.

6 A He was an officer of a very low level in  
7 the Japanese section. I had no contacts with him.

8 Q Japanese section of the Foreign Ministry?

9 A Yes, he was a junior official in the  
10 Japanese section of the Larger Asia Bureau in the  
11 German Foreign Office.

12 Q Wiehl.

13 A He was director of the Commerce Bureau of  
14 the Foreign Office of Germany.

15 Q Woermann.

16 A He was director of the Political Affairs  
17 Bureau of the German Foreign Office.

18 Q Erdmansdorf.

19 A Chief of the Japan section of the German  
20 Foreign Office.

21 Q Makensen.

22 A Makensen was the predecessor to Weizsaecker  
23 as Vice-Minister of Foreign Affairs.

24 Q Scholl.

25 A Will you repeat his name again, please?



1 Q S-c-h-o-l-l.

2 A Probably you are referring to an officer  
3 with the rank of either major or lieutenant colonel  
4 who was once stationed in Japan and later attached  
5 to the German Legation in Siam.

6 Q That is correct. Neumann.

7 A I do not recall him just now.

8 Q Thomas.

9 A There were a number of Thomases but the  
10 Thomas that you, Mr. Prosecutor, are probably  
11 referring to is a general in the German Army who  
12 held the position of director of the technical head-  
13 quarters of the German War Ministry -- German  
14 Ministry of Defense.

15 Q Rintelen.

16 A Rintelen at first was a subordinate to  
17 Woermann, the director of the Political Affairs  
18 Bureau of the German Foreign Office, and he later  
19 became a member of the secretariat of Foreign Minister  
20 von Ribbentrop and later was promoted to the position  
21 of ambassador.

22 Q Ambassador to what country?

23 A Ambassador-at-large.

24 Q Schleier.

25 A Schleier was an official with the rank of

1 minister, that is, in the diplomatic sense, and was  
2 stationed in Paris as charge d'affaires for quite a  
3 long time.

4 Q Now, General OSHIMA, in addition to the  
5 instructions that you state you received from the  
6 General Staff concerning your duties in Germany, at  
7 page 7 of your affidavit, were you not instructed with  
8 regard to the proposed pact with Germany that you  
9 should try to discover what Germany would do in case  
10 of a war between Japan and Russia?

11 A Did your question refer to the time before  
12 I left Japan for my post in Germany?

13 Q Yes.

14 A There were no detailed instructions of  
15 that kind, but in the performance of my duties I  
16 naturally looked into such matters after I arrived in  
17 Berlin.

18 Q I did not ask you about detailed discussions  
19 in regard to it, but I did ask you if you were not  
20 told to try to discover what Germany would do in case  
21 of a war between Japan and Russia.

22 A No, I was not so instructed.

23 Q Exhibit 477, page 5913 of the transcript, is  
24 an excerpt from your interrogations showing various  
25 conferences between you and a German national by the

1 name of Hack regarding a Japanese-German alliance.  
2 Was Hack a representative of the Henkel Airplane  
3 Company and was he extensively engaged in selling  
4 airplanes and parts to Japan?

5 A No, he was merely in the airplane brokerage  
6 business. He had no other job.

7 Q Let me return now to my former question when  
8 I asked you about the instructions given you before  
9 you left for Germany. Were you not interrogated by  
10 Mr. O. G. Hyde, attorney, on February 1 -- on the  
11 second day of January 1946 -- I believe it is the  
12 first day of February 1946, in which this question  
13 was asked you:

14 "Q Continue with your recital of events."  
15 and to which this answer was made by you:

16 "A In regard to this pact, before I left  
17 Japan to come to Germany I had been told by the  
18 General Staff to keep an eye out on how German-Soviet  
19 relations were and to try and discover what might  
20 happen as far as Germany was concerned in the case  
21 of a war with the USSR."

22 Did you or did you not make that statement?  
23  
24  
25

1           A    I think the explanations there are somewhat  
2 insufficient. In connection with this matter I wish  
3 to point out that I state in my affidavit that I was  
4 told to be particularly observing in connection  
5 with German-Soviet relations, particularly the  
6 relations between the armies of the two countries.

7           Q    Just a moment, please. Will you answer my  
8 question and then make any explanation you desire to  
9 make?

10               Did you or did you not make the statement I  
11 read from your interrogation?

12           A    I don't recall whether I used those exact  
13 words, but I am affirming the fact that I spoke of  
14 such matters. I should like to add a few words by  
15 way of explanation.

16           Q    Very well.

17           A    As I have stated in my affidavit, I was  
18 told by the General Staff Headquarters before I left  
19 Tokyo to watch German-Soviet relations, particularly  
20 the relations between the German and Soviet armies, so  
21 it would be only natural that investigation would be  
22 made as to what the army would do in the event of a  
23 German-Soviet war -- that is, what the German Army  
24 would do in the event of a German-Soviet war.

25               THE MONITOR: Delete the word "army" -- "what



1 Germany will do."

2 A (Continuing) And so in answer to the prose-  
3 cutor's question I said that I naturally investigated  
4 into German-Soviet relations.

5 THE MONITOR: Japanese court reporter.

6 (Whereupon, the Japanese court reporter  
7 read.)

8 THE INTERPRETER: And therefore in answer to  
9 the prosecutor's question I said that while in Germany  
10 I made a study of the relations between Germany and  
11 Russia and how a war between Germany and Russia would  
12 develop.

13 A (Continuing) In my understanding the con-  
14 tents of my previous interrogations by the prosecutor  
15 have been, in a broad sense, included in my affidavit.  
16 I do not deny the interrogation, but I should like to  
17 add at this time that my instructions -- the instruc-  
18 tions given to me prior to my departure for Germany  
19 did not so specify.

20 Q Now let us pass on to the questions regarding  
21 Hack. Had Hack spent many years in Japan, where he  
22 was at one time adviser to the South Manchurian Rail-  
23 way Company?

24 A Yes, he did.

25 Q Is it not true that prior to December, 1935,

1 the only treaty which had been contemplated in your  
2 discussions with Hack and Ribbentrop was one which  
3 provided that in the event of war with the USSR the  
4 other party should agree not to carry out any measure  
5 which would in effect relieve the position of the  
6 USSR?  
7

8 A I should like to explain under two points:  
9 First, in the event that Russia attacked either Ger-  
10 many or Japan without provocation, the point was that  
11 in such an event the other party would not take any  
12 measures which would in any way lighten the burden  
13 of Russia.

14 Q Now, my question is, Was that not the only  
15 treaty that was discussed between you, Hack, and  
16 Ribbentrop prior to December, 1935?

17 A I have had no discussions with Ribbentrop  
18 and Hack at the time referred to by you, and that was  
19 what I was on the point of trying to explain to you,  
20 that Hack had nothing to do with this, and there were  
21 no repeated negotiations with Ribbentrop on a matter  
22 like this, nor discussions. At that time the matter  
23 had advanced only to the stage where Ribbentrop asked  
24 me to find out what the Japanese army thought of such  
25 an idea. The contents were as has just been suggested  
in your question.

1 the only treaty which had been contemplated in your  
2 discussions with Hack and Ribbentrop was one which  
3 provided that in the event of war with the USSR the  
4 other party should agree not to carry out any measure  
5 which would in effect relieve the position of the  
6 USSR?

7  
8 A I should like to explain under two points:  
9 First, in the event that Russia attacked either Ger-  
10 many or Japan without provocation, the point was that  
11 in such an event the other party would not take any  
12 measures which would in any way lighten the burden  
13 of Russia.

14 Q Now, my question is, Was that not the only  
15 treaty that was discussed between you, Hack, and  
16 Ribbentrop prior to December, 1935?

17 A I have had no discussions with Ribbentrop  
18 and Hack at the time referred to by you, and that was  
19 what I was on the point of trying to explain to you,  
20 that Hack had nothing to do with this, and there were  
21 no repeated negotiations with Ribbentrop on a matter  
22 like this, nor discussions. At that time the matter  
23 had advanced only to the stage where Ribbentrop asked  
24 me to find out what the Japanese army thought of such  
25 an idea. The contents were as has just been suggested  
in your question.

1 Q Now, those were the only matters that had  
2 been discussed prior to December, 1935, is that not  
3 true?

4 A Yes, you are right.

5 Q Now, is it not also true with regard to the  
6 treaty which had been contemplated and discussed  
7 prior to December, 1935, that in the event of war  
8 with the USSR there would be immediate consultation  
9 between Japan and Germany on the measures that they  
10 should take for their common interest?

11 A Yes, I think it was decided that there would  
12 be consultation.

13 Q Is it not also true that the German army did  
14 not want a military alliance with Japan made public  
15 at that time, and in consequence the pact was changed  
16 to an anti-Comintern Pact at the suggestion of Germany?

17 A Not only Germany but Japan also had no inten-  
18 tion of making it public, and the reason why is that  
19 this pact was directed entirely against communism.

20 Q The point I had made is that you have told us  
21 that prior to December, 1935, the only pact considered  
22 and discussed was the one that we mentioned. I am  
23 now asking you whether or not the whole plan was  
24 changed at the instance of the German army, which  
25 ~~did not want a military pact made public, and there-~~



1 fore suggested that it be converted into an anti-  
2 Comintern Pact.

3 A No, that was not so. I should like to say a  
4 few words by way of explanation, if I may.

5 Q Proceed.

6 A The matter first discussed was a secret  
7 pact, but this was not a military alliance. As the  
8 prosecutor suggested just a short while ago, the  
9 purpose of the pact was only to the extent of not  
10 lightening the burdens of Russia. First of all, I  
11 should like to say that the purport of the pact was  
12 this, that it only carried very light obligations or  
13 duties on the part of the parties to the pact. That  
14 is to say, during the time of the Russo-Japanese war,  
15 because of the fact that Germany guaranteed the fron-  
16 tiers of Russia, Russia sent its armies to Manchuria,  
17 and the aim of this proposed pact was to avoid such  
18 assistance. It carried only very light obligations  
19 and did not have the nature at all of a military  
20 alliance.  
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1 Q General OSHIMA, you are going right far in  
2 your explanation, beyond the question that I asked  
3 you. Can we not answer the matter this way: is it  
4 not true that Germany suggested that the arrangement  
5 which you had been discussing should be converted  
6 into an anti-comintern pact? I think you could  
7 answer that question yes or no.

8 A No.

9 THE INTERPRETER: The witness replied "No."

10 Q I will ask you if this further question was  
11 not asked you on your interrogation on the same day  
12 as the previous one:

13 "Q While you were conducting these negotia-  
14 tions you have so fully explained to us, were  
15 you then contemplating that there would be two  
16 treaties instead of just one?

17 "A Prior to December 1945--" that is, of  
18 course, an error, it should be 1935--"and the  
19 arrival of Lieutenant Colonel WAKAMATSU in Ber-  
20 lin, the only treaty which had been contemplated  
21 was the aforementioned one where the two nations  
22 would agree not to entlaften the U.S.S.R. in  
23 case of war. The Germans, however, said that  
24 this would be a very weak treaty and, therefore,  
25 suggested the Anti-Comintern Pact, and that was

the first time that the matter came up."

1 Now, did you, or did you not, make that statement?

2 A I did not, and it is contrary to the facts.

3 Q Did WAKAMATSU express your views with re-  
4 gard to the results to be obtained by Japan in con-  
5 cluding an anti-comintern pact with Germany when he  
6 stated in his cross-examination here that by the  
7 conclusion of such a pact Japan could forestall  
8 Germany from drawing closer to Russia, obtain the  
9 necessary intelligence and new type weapons from  
10 Germany, and also keep Germany from taking sides with  
11 China?

12 A I heard what WAKAMATSU said here in this  
13 Tribunal, but I have not had any occasion to speak  
14 of such matters with WAKAMATSU.

15 Well, there are various fruits to be ob-  
16 tained by the conclusion of a pact, but the purpose  
17 of the Anti-Comintern Pack is as I have set forth in  
18 my affidavit.

19 Q Well, my question was whether or not those  
20 views of WAKAMATSU were your views also. If you agree  
21 with them, say so; if you do not, say you do not.

22 A Yes, such fruits would accompany as a result  
23 of the pact.

24 MR. TAVENNER: I am sorry, I did not understand  
25

1 your translation. Would you repeat it?

2 (Whereupon, the answer was read  
3 by the official court reporter.)

4 Q At the time of the conclusion of the Anti-  
5 Comintern Pact, 25 November 1936, Germany had not yet  
6 emerged as the powerful and aggressive nation she  
7 later became, is that not so?

8 A Well, I cannot say whether Germany was  
9 aggressive or not. But the fact that it was in the  
10 midst of revival and later became a strong power is a  
11 fact, that is a fact.

12 Q You knew and recognized at that time the  
13 great potential might, military might of the new  
14 Germany dominated by Hitler and the Nazi Party, didn't  
15 you?

16 A Yes.

17 Q It is true, is it not, that you sponsored  
18 and aided the conclusion of the Anti-Comintern Pact  
19 in the belief that by linking Japan to Germany in the  
20 midst of huge military preparations, Japan would be  
21 aided and strengthened in its position in Manchuria  
22 and in its policy which was then being executed in  
23 North China?

24 A No, not so. My position is as I have set  
25 forth in my affidavit.



1           Q   Is it not true that on 6 November 1937  
2 Italy was recruited as a member of the pact?

3           A   I do not remember the date exactly, but about  
4 a year later Italy joined the pact. But I had no con-  
5 nection with Italy joining the pact.

6           Q   You likewise knew that at the time of the  
7 admission of Italy to the Anti-Comintern Pact and  
8 during the period of negotiations with regard thereto  
9 that the League of Nations had, on 7 October 1935,  
10 declared Italy an aggressor against Ethiopia, and that  
11 Italy, following the example of Japan in Manchuria,  
12 accomplished the occupation of Ethiopia on 2 May 1936,  
13 didn't you?

14          A   I do not recall, but if the dates just re-  
15 ferred to by the prosecutor are correct, I suppose  
16 that I have read of them in the newspapers. As I  
17 have said before, I had no part to play in the nego-  
18 tiations vis-a-vis Italy joining this pact. But with  
19 regard to Italy joining the Anti-Comintern Pact, there  
20 was nothing to prevent her in the common fight, or  
21 common defense against communism.

22          Q   By admitting Italy into the so-called Anti-  
23 Comintern Pact you believed and recognized, did you  
24 not, that by so doing Japan would further strengthen  
25 her hand in China, and at the same time would further

1 secure her rear against Russia so as to give her a  
2 free hand in China, didn't you?

3 A As I have said before, as a public official  
4 I had no part to play in these negotiations. But if  
5 you are asking me for my personal opinions, then I  
6 would say that, as I have already stated in my affi-  
7 davit, as to the purpose of the Anti-Comintern Pact  
8 at the time it was concluded between Germany and Japan  
9 there was no intention of applying or utilizing this  
10 treaty in connection with China.

11 I should like to add here that if you would  
12 only see and read the preamble of the Anti-Comintern  
13 Pact it would be obvious to you that the purpose of  
14 the pact was to form a common defense against the  
15 communists who were actually, and were intending, to  
16 interfere in the internal domestic affairs of other  
17 countries. It was not the purpose of this treaty to  
18 interfere in the communist parties in each country.

19 Q I was not attempting to read merely the  
20 lines of the pact, I was trying to read behind the  
21 pact and see what the real motive is that you had in  
22 adopting it.

23 A There was nothing underneath or in back of it.

24 Q Now, while the negotiations for the Anti-  
25 Comintern Pact were pending, was General Ott, the

1 Military Attache in Japan, recalled to Germany?

2 A Yes, he returned to Germany.

3 Q During the period of negotiation did  
4 SHIRATORI, then Ambassador to Sweden, make frequent  
5 trips to Berlin where you and he had conversations  
6 in which you discussed the pact?

7 A There was one more word that I had wished  
8 to add when the red light cut me off. May I, in  
9 connection with the previous question?

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1 Q Proceed.

2 A Ott did not return to Germany in connection with  
3 the Anti-Comintern Pact. He returned to Germany as did  
4 military attaches in other countries, that is, German  
5 military attaches in other countries, to attend a large  
6 war maneuvers which was held in Germany for the first  
7 time.

8 Now I shall reply to the last question. The  
9 accused SHIRATORI was never at any time connected with  
10 the negotiations or the conclusion of the Anti-Comintern  
11 Pact.

12 Q That wasn't my question. Did you meet SHIRATORI  
13 on a number of occasions in Berlin and discuss with him  
14 the provisions of this pact?

15 A No. SHIRATORI did make visits but on other  
16 matters.

17 Q When he visited Berlin on other matters did  
18 he and you discuss matters relating to this pact? I  
19 think you can answer that yes or no.

20 A No, he did not.

21 Q Did you not in your interrogation advise Mr.  
22 Hyde that you had discussed the pact several times with  
23 SHIRATORI in Berlin?

24 A No. If so, it would be a mistake on the part  
25 of the interrogator. I replied as follows: My



1 recollection is, in connection with what I told the  
2 interrogator, is that SHIRATORI during this period had  
3 come to Berlin on visits and that the matter of this  
4 pact had been mentioned to him but that no discussions  
5 as to the contents of the pact was held between him and  
6 me.

7 Q Then you are drawing a distinction between  
8 mentioning the pact to him and discussing it.

9 A Of course. I should like to explain. When  
10 he came to Berlin it was mentioned to him that such  
11 a pact was now under negotiation. but no mention was  
12 made of any contents or what was to be done in the future  
13 or any discussions held in connection therewith. This  
14 was the first time that I had ever met SHIRATORI; I  
15 hadn't known him before.

16 Q Exhibit 497, page 6,051 of the transcript, is  
17 an excerpt from your interrogation in which you state  
18 that in January 1938 Ribbentrop asked you if there was  
19 not some way in which Germany and Japan could be brought  
20 closer together. At about this time you learned, did  
21 you not, that Germany, which had hitherto opposed  
22 Japanese aggression in China, reoriented its views toward  
23 the China conflict and began to support the Japanese  
24 policy in China?

25 A I do not think that policy changed after

January 1938.

1 Q Well, you know, did you not, that about this  
2 time Chancellor Hitler was successful in assuming his  
3 full role as a dictator, had assumed command of the  
4 army, had ousted Neurath and had appointed Ribbentrop  
5 as Foreign Minister, didn't you?

6 A There were such personnel changes in February  
7 1938, if I am not mistaken in my recollection, and I  
8 know about them. I should like to add a few words.

9 Q You knew they were very significant changes,  
10 did you not?

11 A Of course, as a result various policy changes  
12 took place. I think it would be more correct to say  
13 that men came underneath Hitler who were capable of  
14 executing Hitler's own policy. I do not think it would  
15 be correct to say that there was any fundamental change  
16 of policy.

17 With regard to Germany's China policy, there  
18 were various discussions and arguments pro and con within  
19 Germany after the outbreak of the China Affair. There  
20 was -- especially there was opposition in German  
21 economic circles but with the passage of time their  
22 influence waned. Thereupon, this personnel change took  
23 place and as a result some changes in policy took place,  
24 but there was no radical change from white to black or  
25

black to white or from east to west.

1 Q Now you said that the influence of the economic  
2 circles waned. As a matter of fact, it disappeared  
3 entirely when Hitler assumed command of the army in  
4 February 1938, isn't that true? That is, as far as  
5 China was concerned.  
6

7 A It was weakened, ~~yes~~, but it did not disappear.

8 Q Now, notwithstanding these signs of the times  
9 you advocated and supported in every possible way the  
10 conclusion of another treaty, a military alliance with  
11 Germany, a nation that you then knew in 1938 was bent  
12 on aggressive action, didn't you?

13 A Before replying to the question may I state  
14 that in view of the fact that the words "military  
15 alliance" are being frequently used in the course of  
16 this examination I would first of all like to obtain  
17 from the prosecutor what he means by a military alliance.

18 Q I will ask you did you not favor a military  
19 alliance between Germany and Japan in 1938?

20 A I would like to reply to that question after  
21 you clarify for me your definition of military alliance.

22 Q Well, I will ask you again whether or not you  
23 favored a military alliance. I think you can answer  
24 yes or no and then if you desire to define what kind  
25 of alliance you are speaking of you are permitted to do

so.

1           A    It would be difficult for me to reply to your  
2 question unless I, first of all, have an understanding  
3 of the character and nature of the military alliance  
4 to which you are referring. If you are referring to a  
5 pact entered into between two countries in which the  
6 exercise of armed force is stipulated I will have one  
7 answer to give to that. If, however, on the other hand  
8 you are referring to a military alliance in which the  
9 contracting powers have stipulated offensive or aggressive  
10 action of any kind, then I will have to answer in accord-  
11 ance with that definition. That is why I should like  
12 to have a definition of a military alliance first  
13 clarified.  
14

15               If it is the former definition to which I  
16 referred, my answer would be "yes."

17           ACTING PRESIDENT: We will recess for fifteen  
18 minutes.

19               (Whereupon, at 1445, a recess was  
20 taken until 1500, after which the proceedings  
21 were resumed as follows:)  
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1           LAWYER OF THE COURT: The International  
2           Military Tribunal for the Far East is now resumed.

3           THE MONITOR: Mr. Prosecutor, the last  
4           answer, the answer of the witness was not trans-  
5           lated sufficiently. So we will have it reread by  
6           the Japanese court reporter.

7                     (Whereupon, the Japanese court  
8           reporter read.)

9           THE INTERPRETER: Slight correction to  
10          the latter part of the witness's last answer:  
11          "If I am permitted to reply according to the first  
12          definition I can forthwith reply yes or no.

13       BY MR. TAVENNER (Continued):

14               Q    Let me put the question to you this way.  
15          Did you, in fact, advocate an alliance between Japan  
16          and Germany which would obligate Japan to engage in  
17          war in the event of war between Germany and Russia?

18               A    I said that Japan was obligated to render  
19          Germany armed assistance in the event Germany was  
20          attacked by Russia without provocation. In my  
21          negotiations with Germany I contended that the exer-  
22          cise of the obligation of armed assistance depended  
23          entirely on the situation and circumstances at the  
24          time, and that Japan was not obliged to perform such  
25          obligations automatically. I conducted my negotiations

1 with Germany along this line in accordance with the  
2 instructions from the home government.

3 Q Now, it is also true, is it not, that you  
4 advocated an alliance with Germany and obligated  
5 Japan to participate in a European War between  
6 Germany and England whether Russia was in the war or  
7 not?

8 A It would be as clear as day that I did not  
9 advocate such an alliance if you will see exhibit  
10 2619.

11 Q Will you please answer my question? Did  
12 you advocate such an alliance or not?

13 A I did not.

14 Q You did not advocate such an alliance at  
15 any stage of the negotiations?

16 A No, not at any stage.

17 Q Did you oppose Ribbentrop's request that  
18 such an alliance be entered into?

19 A The objection, opposition came from Japan.

20 Q Will you answer my question?

21 A I am not trying to evade your questions, but  
22 it is not possible to answer yes or no when a question  
23 is referring to something of a complicated nature.

24 Q That is a very simple question. Did you  
25 oppose Ribbentrop's request that Japan unite in an

1 alliance obligating Japan to engage in a European  
2 war in the event England was at war with Germany?

3 A Ribbentrop did not make any such request.  
4 That would be very clear if you would see my affi-  
5 davit.

6 Q Then you did not oppose Ribbentrop's views  
7 and what Ribbentrop was requesting?

8 A No, there was no question arose in connec-  
9 tion with bringing England in -- or British involve-  
10 ment.

11 Q Was the accused TOGO the Japanese Ambassador  
12 to Germany during the period of the negotiations of  
13 this alliance up to October of 1938?

14 A Yes, he was Ambassador up to the end of  
15 October.

16 Q Shortly after you were advised of the  
17 decision of the Five-Ministers' Conference held in  
18 the latter part of August 1938, were you directed to  
19 inform Ambassador TOGO of all the matters relating  
20 to the proposed alliance, and were you further  
21 directed to continue the negotiations in your capacity  
22 as military attache?  
23

24 MR. CUNNINGHAM: I hesitate to interfere,  
25 but I object for the reason that there are two  
questions involved there, and the questions are so

1       unwieldingly long that it is very difficult to  
2       follow them generally.

3                ACTING PRESIDENT: I think you can divide  
4       your question into two parts.

5                Q    Now, were you directed to inform TOGO of  
6       the matters relating to the proposed alliance?

7                A    Yes, I had directions with regard to certain  
8       parts. I should like to say a few words by way of  
9       explanation.

10               Q    Very well.

11               A    As I have stated in my affidavit, I was  
12       informed by the army with regard to the result of  
13       the Five-Ministers Conference, and I was directed  
14       to transfer the negotiations to official channels  
15       as soon as possible and to report to Ambassador  
16       TOGO the progress up to that time in connection with  
17       the negotiations. While on the one hand requesting  
18       the German side to transfer the matter to official  
19       diplomatic channels, I reported to Ambassador TOGO  
20       the progress of the talks on this matter up to that  
21       time, and that was only once.

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1 Q Now, may I interrupt you? That is nothing  
2 but a detailed statement of your answer "Yes," and  
3 I think adds nothing to the answer "Yes."

4 A I should like to add a few words. Now, as I  
5 understand the question, you asked me whether I reported  
6 on the progress of the negotiations and you asked me  
7 as another part of your question, whether I was  
8 constantly making reports, and it is difficult for me  
9 to reply yes to these two questions at the same time  
10 and, therefore, I said in connection with the first  
11 that I made a report once.

12 Q All right. Did you make any other reports?

13 A No, no reports were made because I was not  
14 carrying on any negotiations.

15 Q Were you not also directed to continue the  
16 negotiations in your capacity as Military Attache?

17 A No.

18 Q Were you not, during the same interrogation,.  
19 asked about that matter by Mr. Hyde, at which time this  
20 question was asked and the answer that I will read was  
21 made:  
22

23 "Q Does that mean this, General, that the  
24 matters had now reached the stage that you were to keep  
25 the Ambassador informed of what was going on, but you  
still continued the negotiations in your capacity as

1 Military Attache?

2 "A Yes."

3 Did you so answer to that question?

4 A No, that is not so, because no instructions  
5 or directions came, and in the absence of instructions  
6 there would be no occasions for me to do anything of  
7 the kind. The contents of that interrogation are  
8 contrary to the facts.

9 Q I asked you whether or not you made that reply  
10 to that question. Will you please answer yes or no?

11 A No, I did not.

12 Q When did you confer with Ambassador TOGO and  
13 make your report with the information regarding the  
14 proposed alliance?

15 A As soon as I was notified of the decision of  
16 the Five Ministers' Conference, I went to see Amba-  
17 sador TOGO because I was so instructed and, therefore,  
18 I think it was in the first part of September.

19 Q Had you discussed these matters with Ambassador  
20 TOGO prior to that time?

21 A No.

22 Q Did you discuss them with him after that time?

23 A As I have already answered, no.

24 Q Did you give Ambassador TOGO all the informa-  
25 tion you had regarding this proposed alliance?

1 Military Attache?

2 "A Yes."

3 Did you so answer to that question?

4 A No, that is not so, because no instructions  
5 or directions came, and in the absence of instructions  
6 there would be no occasions for me to do anything of  
7 the kind. The contents of that interrogation are  
8 contrary to the facts.

9 Q I asked you whether or not you made that reply  
10 to that question. Will you please answer yes or no?

11 A No, I did not.

12 Q When did you confer with Ambassador TOGO and  
13 make your report with the information regarding the  
14 proposed alliance?

15 A As soon as I was notified of the decision of  
16 the Five Ministers' Conference, I went to see Amba-  
17 sador TOGO because I was so instructed and, therefore,  
18 I think it was in the first part of September.

19 Q Had you discussed these matters with Ambassador  
20 TOGO prior to that time?

21 A No.

22 Q Did you discuss them with him after that time?

23 A As I have already answered, no.

24 Q Did you give Ambassador TOGO all the informa-  
25 tion you had regarding this proposed alliance?

1           A    As I have already answered, I spoke to him  
2 in accordance with instructions which I received from  
3 the army when the Five Ministers' decision was reported  
4 to me. So there was no occasion prior to that.

5           Q    You apparently have misunderstood my question.  
6 Did you report to Ambassador TOGO and give him all the  
7 information that you had regarding the proposed alliance?

8           A    No, I only reported to him the main highlights.  
9 Already at that time Ambassador TOGO was in receipt of  
10 a telegram from the Foreign Ministry giving the details  
11 of the matter, the general details of the matter --  
12 the general purport of the matter.

13          Q    And did you discuss the general purport with  
14 Ambassador TOGO?

15          A    No, there was no discussion because there was  
16 no desire for such on the part of Ambassador TOGO. I  
17 merely reported to him.

18          Q    Did TOGO express himself in accord with the  
19 plan of the proposed pact?

20          A    As I have said before, I had no discussion  
21 on this matter with Ambassador TOGO. But the impression  
22 that I obtained was that he disapproved of it.

23          Q    To what extent did he disapprove of it?

24          A    As I have said before, no detailed discussion  
25 of this matter took place between Ambassador TOGO and



1 I, so I cannot say on what points he disapproved and  
2 what points he did not.

3 Q I will see if I can refresh your recollection  
4 about that. Did you not, in the interrogation referred  
5 to, in answer to a question by Mr. Hyde as to TOGO's  
6 attitude, state: "As I know it, he wished to have it  
7 only in so far as Russia was concerned."

8 Q Did you make that reply to Mr. Hyde? Please  
9 answer yes or no.

10 A No, not exactly in those words, but only to  
11 some extent to that effect. But I should like to  
12 reply anew in order to clarify the matter.

13 Q Before you reply anew: Did that accurately  
14 represent your answer to the question that Mr. Hyde  
15 asked you?

16 A No.

17 Q In what way did your answer differ from what  
18 I have stated, according to your contention?

19 A I said that my impression of Ambassador TOGO  
20 was that I can say with certainty that he was in dis-  
21 approval of expanding the matter to include Britain  
22 and France.

23 Q But that he was in favor as far as Russia was  
24 concerned, isn't that true?

25 A I had no discussion with him, nor did I ask

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1 for his opinions to the extent that I can say so  
2 unequivocally.  
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1 Q Now, if it was a matter of disagreement on  
2 the part of TOGO to extend the pact to England, and  
3 I believe you said France, then there must have been  
4 discussed between you a plan by which Japan would be  
5 obligated to participate in war in the event of a  
6 German-English War?

7 A There was no discussion. I wish to say, as  
8 I have stated in my affidavit, that Germany's first  
9 proposal included all countries according to the text  
10 proposed. And so from a view at the text of the  
11 treaty alone, that is to say, the provisions of the  
12 treaty proper, it would appear as if the pact was  
13 directed at all countries. But, as I have stated in  
14 my affidavit, in order to put restrictions on this a  
15 secret understanding between the two countries was  
16 proposed.

17 Q I would prefer that we discuss those matters  
18 a little later. I am going to ask you questions that  
19 will enable you to express your views presently about  
20 that.

21 Let me ask you: Did you advise the General  
22 Staff and War Minister ITAGAKI of the views of  
23 Ambassador TOGO; that is, the view that he did not  
24 favor extending the pact against England and France?  
25

A No.

1 Q How long was it after your conference with  
2 TOGO that you received a communication from the  
3 General Staff suggesting that you become the Ambassador?

4 A I think it was shortly after; the first part  
5 of September.

6 Q Did not War Minister ITAGAKI consult the  
7 Foreign Minister about your appointment as Ambassador?

8 A As I have stated in my affidavit, I had no  
9 knowledge whatsoever as to what kind of discussions  
10 took place back home.

11 Q Well, you do know, do you not, that your  
12 appointment was urged by the War Ministry and the  
13 General Staff?

14 A No, I did not know.

15 Q There appear on your order list the credentials  
16 given you twice by the Emperor of Japan for delivery  
17 to Germany upon your arrival there as Ambassador on  
18 the two occasions you were appointed.

19 MR. CUNNINGHAM: I would like to object to  
20 any reference to the documents which are not in  
21 evidence and since we are not contemplating offering  
22 the documents into the record they would be incompetent  
23 and immaterial here.

24 ACTING PRESIDENT: What is the materiality,  
25 Mr. Tavenner?



1 MR. TAVENNER: I merely wanted to show the  
2 form and the character of them, which I can only do  
3 by cross-examination of the witness. Of course,  
4 after he leaves the stand I will not have an opportunity  
5 to ask him about his own credentials.

6 ACTING PRESIDENT: You can ask him about what  
7 credentials he has, but you cannot refer to credentials  
8 that have not been introduced into evidence.

9 MR. TAVENNER: I will confine the question  
10 accordingly.

11 BY MR. TAVENNER (Continued)

12 Q You took with you to Germany when you were  
13 appointed Ambassador on the first and also on the  
14 second occasion your proper credentials, of course?

15 A Yes, I took my credentials the second time,  
16 but not the first time because I was in Germany when  
17 I received the appointment. It was sent to me.

18 Q The credentials were addressed, of course,  
19 to Hitler, were they not?

20 A Yes.

21 Q And they were merely a standard form used for  
22 ambassadors, no matter where appointed or to what  
23 country?

24 A Well, I cannot reply with any sense of sureness  
25 because I have never had the occasion to compare my

1 credentials with those -- with credentials of other  
2 countries, but I presume that they are about the  
3 same.

4 Q I did not mean to make the question that  
5 broad. Your credentials were in the same form, the  
6 same standard form, as all credentials issued by  
7 your government, were they not?

8 A I suppose so, yes.

9 Q Now, after the conference that you stated  
10 you had with Ambassador TOGO did you carry on negotiations  
11 with Ribbentrop regarding the proposed alliance while  
12 you were still Military Attache?

13 A No.

14 Q Did you discuss the matter with Ribbentrop?

15 A No, because there were no data upon which to  
16 pose such discussions.

17 Q When was the first time that you consulted  
18 Ribbentrop after the receipt of the information re-  
19 garding the action of the Five-Minister Conference? In  
20 the latter part of August '39? I meant to say '38.

21 A Yes, soon after.

22 Q How soon after?

23 A One or two days.

24 Q When was the next time that you saw him and  
25 talked to him about the pact?

1 A There was talk about it, but no discussion.

2 Q When?

3 A I have no exact recollection, but about the  
4 time KASAHARA returned to Berlin.

5 Q What was that date?

6 A Since KASAHARA returned to Berlin some time  
7 around the 20th of September, it was a few days after  
8 that; some time in the September 20's.

9 Q And you were still Military Attache at that  
10 time?

11 A Yes.

12 Q And you conveyed to Ribbentrop certain  
13 information regarding the pact at that time, did you  
14 not, without consulting the Ambassador?

15 A The instructions I received from Japan was  
16 to convey the information to Ribbentrop.

17 Q Then you were directed to continue with the  
18 negotiations as Military Attache, is that true?

19 A I received no such direction. If I were  
20 permitted to give you just a brief explanation, you  
21 will understand the whole situation. May I be permitted  
22 to do so?  
23  
24  
25

1 Q Yes.

2 A A rather detailed report on the decision  
3 of the Five Ministers Conference was sent to me.  
4 As I have stated in my affidavit, the main points  
5 of the telegraphic instructions sent to me in con-  
6 nection with this decision was that I should talk to  
7 Ribbentrop and to see to it that the matter was  
8 transferred to official diplomatic channels as soon  
9 as possible.

10 At the same time, there were a number of  
11 revisions made to the German proposal. At this  
12 date, I do not recall everything because there were  
13 quite a large number of revisions proposed by Japan,  
14 such, for instance, as: whereas the German side  
15 desired a mutual assistance pact, the Japanese  
16 desired a consultative pact, the addition of a  
17 secret protocol, and about the adding of such  
18 qualifying remarks as, "without provocation," and  
19 so forth.

20 Q Let me interrupt you there a moment. What  
21 was the date of the instructions or suggestions from  
22 Japan to which you are just now referring?

23 Q I have no exact recollection as to dates,  
24 but I think it was almost the end of August, some-  
25 where around the 29th of 30th or the 1st or 2nd day



1 of September.

2 And the instructions which I received was  
3 to hand the Japanese revisions over to Ribbentrop  
4 informally and to request him to draw up a proposal,  
5 incorporating the revisions offered by Japan -- the  
6 revisions proposed by Japan. But, whereas the  
7 progress on that matter was rather rapid in Japan,  
8 the German side was not prepared internally inasmuch  
9 as the offer had been -- the proposal had been at  
10 this point an informal one, and the German side had  
11 not discussed the matter fully amongst themselves  
12 or had taken the matter up with Italy, and therefore  
13 the German desire was to have us wait for a short  
14 while.

15 Q Let me interrupt you. Your explanation is  
16 going far beyond anything involved in my question,  
17 and you will have abundant opportunity to go into  
18 those matters as they arise.

19 Now, I think you have told us this after-  
20 noon on cross-examination that when Ribbentrop sub-  
21 mitted his proposal to you in July, 1938, that he  
22 suggested a mutual aid treaty aimed not only at the  
23 U.S.S.R. but at all countries, is that true?

24 A That is, the text of the treaty so states  
25 on its face. Actually, it was not so.

1 Q Well, then, will you tell me whether he did  
2 make that proposal to you, or did he not?

3 A He did not propose a general mutual assist-  
4 ance pact. On the face -- the text of the treaty  
5 so states, but actually there were restrictions or  
6 limitations applied to it.

7 Q I asked you this specific question: Did  
8 Ribbentrop make a proposal to you in July, 1938,  
9 suggesting a mutual aid treaty aimed not only at  
10 the U.S.S.R. but at all countries?

11 A He did not.

12 Q Did you not tell Mr. Hyde that he did?

13 A No, I did not. I told Mr. Hyde of the  
14 limitations placed on that treaty -- that proposed  
15 treaty. As I have said before, it is so suggested  
16 on the face of the treaty -- the text of the treaty,  
17 but there were many limitations placed thereon, and  
18 there should be limitations. To state more specific-  
19 ally, I refer to exhibit 2919, the draft of the  
20 secret protocol which was to be attached to the  
21 proposed pact from the very beginning.

22 Q I will ask you this question: Did you not  
23 in reply to a question by Mr. Hyde make this answer:  
24

25 "To the best of my knowledge, the following  
is more or less what he said on this occasion:"

1 Q Well, then, will you tell me whether he did  
2 make that proposal to you, or did he not?

3 A He did not propose a general mutual assist-  
4 ance pact. On the face -- the text of the treaty  
5 so states, but actually there were restrictions or  
6 limitations applied to it.

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8 Ribbentrop make a proposal to you in July, 1938,  
9 suggesting a mutual aid treaty aimed not only at  
10 the U.S.S.R. but at all countries?

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18 there should be limitations. To state more specific-  
19 ally, I refer to exhibit 2919, the draft of the  
20 secret protocol which was to be attached to the  
21 proposed pact from the very beginning.

22 Q I will ask you this question: Did you not  
23 in reply to a question by Mr. Hyde make this answer:  
24

25 "To the best of my knowledge, the following  
is more or less what he said on this occasion:"

1 I am referring now to Ribbentrop.

2 "1. That what he said was not based on  
3 talks with Hitler or any other official and,

4 "2. That he felt that Germany would not  
5 particularly approve or like a treaty agreeing to  
6 consult only and that was somewhat one-sided and  
7 not strong enough, and,

8 "3. That he suggested a mutual aid treaty  
9 instead, aimed not only at the U.S.S.R. but all  
10 countries"?

11 Did you make that statement or not?

12 A Yes. The discussion did not end there.  
13 There should be more to it.

14 Q I will read the rest of the answer:

15 "In other words, what he meant was that a  
16 German-Japanese Pact would, if strong enough, hope  
17 to preserve world peace. Germany was particularly  
18 fond of statements of this sort at the time."

19 Now, did you not make that statement?

20 Q Ribbentrop did say that he disapproved of  
21 a consultative pact and to placing any limitations  
22 on the treaty, but --

23 Q Will you please answer my question? Did  
24 you make the statement that I read, or did you not?

25 A Yes, I am supposed to have said that. I did.



1 I recall what Ribbentrop told me.

2 Q Why didn't you say that long ago?

3 A Well, if the discussion was cut off there,  
4 then it would create a misunderstanding. The most  
5 important part was omitted.

6 ACTING PRESIDENT: Never mind the "rest"  
7 part. You just answer the questions the prosecutor  
8 asks you. If there is any misunderstanding, your  
9 counsel will clear it up on re-examination.

10 THE WITNESS: I understand. Thank you.

11 Q What was the date of the Five Ministers  
12 Conference which considered the proposal brought  
13 by KASAHARA?

14 A I do not recall the exact date, but in the  
15 end of August, very late in August.

16 MR. TAVENNER: I understand counsel desires  
17 to make a statement of some type. Possibly, I  
18 should wait till he makes it.

19 MR. CUNNINGHAM: Before we adjourn today,  
20 I wish to object to any further evidence on this  
21 matter under discussion for the reason that it is  
22 immaterial since the negotiations failed utterly.  
23 The prosecution has already spent days of time on  
24 these abortive negotiations.

25 ACTING PRESIDENT: Mr. Tavenner.

1 MR. TAVENNER: If the Tribunal please, the  
2 fact of failure or success in the plan that was  
3 being made here is immaterial as far as the con-  
4 spiracy Count is concerned. In addition to that,  
5 the efforts that were being made at this time bore  
6 fruit in later periods, and it is all an important  
7 step in what occurred in bringing about the assist-  
8 ance of Germany to Japan.

9 ACTING PRESIDENT: Objection overruled.

10 We will adjourn until nine-thirty Friday  
11 morning.

12 (Whereupon, at 1600, an adjourn-  
13 ment was taken until Friday, 28 November  
14 1947, at 0930.)

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